

REBEN RAINEX

18626016, 17

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Volume 2 of 4

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1 IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND  
2  
3 STATE OF MARYLAND

4 VERSUS  
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8 INDICTMENT NO. 18626016  
18626017

9 REUBEN RAINEY

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/ JULY 1, 1987

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS

BEFORE:

THE HONORABLE ARRIE W. DAVIS, JUDGE  
AND A JURY

APPEARANCES

ON BEHALF OF THE STATE:

SAM BRAVE, ESQUIRE  
ASSISTANT STATE'S ATTORNEY

BRIAN MURPHY, ESQUIRE  
ASSISTANT STATE'S ATTORNEY

ON BEHALF OF THE DEFENDANT:

GORDON TAYBACK, ESQUIRE

REPORTED BY:

Rita M. E. Taggart  
Official Court Reporter  
507 Courthouse West  
Baltimore, Maryland 21202

1 P R O C E E D I N G S

2 THE COURT: Good morning, ladies and  
3 gentlemen. Just bear with us or for a moment.

4 MR. BRAVE: Good morning, Your Honor.

5 THE COURT: Good morning.

6 MR. BRAVE: May we approach the bench on  
7 scheduling only?

8 THE COURT: Yes. That's all right, Miss  
9 Taggart, it is scheduling only.

10 (Whereupon, there was an off the record  
11 discussion.)

12 THE COURT: Miss Taggart, you can come  
13 up now.

14 (Whereupon, counsel and the Defendant  
15 approached the bench and the following conference  
16 ensued:)

17 THE COURT: Go ahead, Mr. Brave.

18 MR. BRAVE: The next two witnesses,  
19 Joanne Blunt and Nellie Chew, their credibility  
20 is, of course, at issue. I think it is relevant  
21 to the issue of their credibility as to how their  
22 relationship with Poppy might cause them to lie.

23 THE COURT: Let me say this, Mr. Brave,  
24 I accepted the reason why you have asked to put  
25 that on the record and you indicate that you are

1 going to agree with Mr. Tayback to shortcut any  
2 long argument on the part of Mr. Tayback but, on  
3 the other hand, what I keep saying over and over  
4 again to all counsel is you don't wind up in front  
5 of me in a bench conference or we don't have any  
6 issues of any kind if nobody objects. So, if you  
7 agree, there is no problem .

8 I don't know if you follow what I'm  
9 saying.

10 MR. TAYBACK: Well, no, I don't.

11 THE COURT: The objection has been based  
12 in some part, in some respects on the fact that it  
13 is beyond the scope of the direct. If nobody  
14 objects on the basis it is beyond the scope of  
15 redirect -- the Court has not sua sponte sustained  
16 any objection or ordered anyone to limit their  
17 testimony.

18 MR. TAYBACK: I agree with that but what  
19 I need to do, as I indicated to the court, is make  
20 my arguments, which the Court is not accepting,  
21 but is instead rejecting and stating the State's  
22 objection as to scope of allowable cross  
23 examination. I need to make those on the record  
24 in this transcript because it would be a matter of  
25 record in some sort of prior transcript which may



1 or may not follow the matter.

2 THE COURT: Let's get one thing clear.  
3 Mr. Brave specifically talked about Joanne Blunt  
4 and Nellie Chew. Are you talking about what has  
5 gone before or are you just talking about Nellie  
6 Chew and Joanne Blunt?

7 MR. TAYBACK: I'm talking about what has  
8 gone before and what I anticipate coming after.

9 THE COURT: Very well. Go ahead then.

10 MR. TAYBACK: Your Honor, may it please  
11 the Court, as I have argued previously, I would  
12 now make a matter of record once again, that I  
13 believe that the allowable scope of cross  
14 examination is that this Court should limit only  
15 to facts relevant to some material issue in the  
16 case.

17 Even if the State does not directly  
18 touch on a particular issue in its direct  
19 examination, I on behalf of the Defendant in the  
20 cross examination should be allowed to enter into  
21 those areas not explored by the State as long as  
22 they have material or relevant issues involving  
23 the guilt or innocence of the Defendant in the  
24 case.

25 Secondly, the second issue or the second

1 area of allowable cross examination is as to facts  
2 relating to the credibility of a particular  
3 witness. That I believe is the issue to which Mr.  
4 Brave speaks concerning Nellie Chew and Joanne  
5 Blunt who would be the main witnesses today.

6 Your Honor, I would cite to the Court,  
7 as I have done previously, the following cases,  
8 Williams versus Graff 194 Maryland, 516, 1950;  
9 Howard versus State, 234 Maryland 410, 1964; Shupe  
10 versus State, 238 Maryland 307, 1965; DeBlasi  
11 D-e-B-l-a-s-i, 59 Maryland App., 509, 1984; Curry,  
12 60 Maryland App. 171, 1984; all of which stand for  
13 that same proposition, that the scope of cross  
14 examination is not delineated entirely by the  
15 scope of direct examination. Instead, it has  
16 leeway and has latitude depending on materiality  
17 or credibility issues.

18 MR. BRAVE: May I ask the Court to  
19 inquire of Mr. Tayback what relevant issue in this  
20 case does he contend that the curtailment of cross  
21 examination, as the Court ruled, cut him off from  
22 exploring?

23 MR. TAYBACK: With respect to Detective  
24 Oscar Requer, I believe it was material and  
25 relevant as to the overall issues which certainly

1 are going to be generated in the case eventually,  
2 those issues that were incurred by the search,  
3 seizure incident thereto, at 862 West Fayette  
4 Street on June 19, 1986; also any issues that I  
5 was not able to explore having to do with the  
6 further investigation subsequent to his  
7 involvement as the primary investigating officer  
8 on June 2, 1986.

9 As to Debra Pearson, I was not allowed  
10 to explore any issues relating to Leroy Boyce and  
11 the use of the handgun against Deborah Veney on  
12 that date in question, unknown to Debra Pearson,  
13 but a month or so prior to June 2, 1986, when  
14 Leroy Boyce in possession of a handgun used it  
15 against Deborah Veney.

16 THE COURT: Well, the questions as they  
17 began to develop from Debra Pearson led the Court  
18 to believe that the questions were off of the mark  
19 with respect the June the 2nd and the Court was  
20 not made clear, at least the Court did not  
21 conclude where we were going with that line of  
22 questioning.

23 With respect to Detective Requer, I said  
24 then, and I say now, that this whole concept of  
25 someone being a primary investigator and for that

1 reason not being able to be recalled or for that  
2 reason being subjected to a greater latitude of  
3 questioning on your cross examination than any  
4 other witness is a rule I'm not familiar with.

5 I still hold and maintain that Detective  
6 Requer can be brought back, that he can be  
7 questioned as a defense witness and the things  
8 that were not elicited in the State's case can  
9 just as well be elicited in the defense case.

10 I don't know that there is any  
11 obligation on the part of the State to go into  
12 matters that they don't deem significant in  
13 proving their case. The defense then has a  
14 choice, either to leave it alone or to bring the  
15 witness back and go into that matter.

16 MR. BRAVE: May I be heard briefly?

17 THE COURT: Yes.

18 MR. BRAVE: I agree with the Court that  
19 Mr. Tayback could, if he wished, call Detective  
20 Requer as his own witness. I wonder if the Court  
21 has considered whether a court above may consider  
22 that that is placing an impermissible  
23 constitutional burden.

24 THE COURT: No, I just don't with that,  
25 Mr. Brave. I dealt with that. I said it's up to

1 him to choose whether to leave it alone. He has  
2 the right to leave it alone. It is up to him as a  
3 matter of trial strategy. This has got nothing to  
4 do --

5 MR. BRAVE: That's assuming that he's  
6 wrong and I am right on the issue of whether the  
7 scope under these cases of cross examination can  
8 be limited in the fashion that it has been  
9 limited.

10 I have taken the position from the  
11 beginning, Your Honor, and I think, consistent  
12 with my position, Mr. Tayback may be right, that  
13 he should be allowed to enter some of the things  
14 that he tried to allude to yesterday.

15 For example, to be specific, as I  
16 indicated once before on the record, the  
17 detective's suspicion are not relevant. The fact  
18 that Detective Requer did, in fact, talk to  
19 Thomasina Johnson might be permissible if limited  
20 to just the fact that he did, in fact, talk to  
21 her. The raid at 862 West Fayette Street might be  
22 relevant under these cases if it is limited just  
23 to the fact that as a result of certain  
24 information he conducted a search and seizure  
25 warrant and in that search and seizure warrant he

1       raided 862 and these different things were found  
2       and these things happened within my presence. If  
3       limited just to that, I think Mr. Tayback has  
4       found a hook to snare this case on on appeal and I  
5       don't want to see that happen, Your Honor.

6               That is the State's position, Your  
7       Honor.

8               THE COURT: Well, again, the Court, I  
9       think for the umpteenth time, reiterates that the  
10      Court for the most part attempts to allow counsel  
11      to try their case.

12              Mr. Brave, if you wanted Mr. Tayback to  
13      go into it, even at the point in time when I asked  
14      you why you would make an objection after he had  
15      gone, after Mr. Tayback had gone on for five or  
16      ten minutes on the subject, if you were going to  
17      rely on the basis that he was going beyond the  
18      scope, it would appear that you waited until you  
19      felt that harmful testimony was going to come out,  
20      then all of a sudden decided to object.

21              You gentlemen have to think your  
22      strategy through. If you don't want to object,  
23      don't object. If you don't object, then there is  
24      nothing for me to sustain. We are up here because  
25      you objected.

1 MR. BRAVE: Some of these are close  
2 questions, Your Honor, and I have always been told  
3 if you don't know the answer immediately, the  
4 safer course is to do nothing and that may --

5 THE COURT: I think maybe the two of you  
6 need to get in a huddle and discuss what your  
7 strategy is going to be so you will know what you  
8 are doing because the Court is being caught in a  
9 position where your objections are inconsistent.  
10 You take one position, then you take another.  
11 Whichever one you take, I wish you would stick  
12 with it.

13 MR. BRAVE: Getting back to the issue at  
14 hand, I agree with you and I will try not to send  
15 the Court inconsistent messages as to what the  
16 State's strategy is.

17 Your Honor, in an excess of caution,  
18 more than an excess of caution because I think Mr.  
19 Tayback is right, I would suggest that we cure  
20 this possible error by making Detective Requer,  
21 who is right outside the courtroom I think,  
22 available since he was on just yesterday for  
23 additional cross examination limited to what he  
24 did, what he saw, and what he heard. Not what he  
25 heard. That, of course, would be hearsay in many

1 cases. But what he saw and did and what his  
2 suspicions were, I submit, Your Honor, are not at  
3 issue in this case at this point; and what people  
4 told him by way of hearsay who have not testified  
5 as yet is not, is not admissible.

6 I think Mr. Tayback at least should be  
7 able to put those other matters into the record if  
8 he wants to at this point in the State's case  
9 before the Defendant is called upon to make a  
10 choice as to whether to put on a defense or not.

11 THE COURT: He's your witness. Are you  
12 asking to recall him?

13 MR. BRAVE: Yes.

14 THE COURT: It is fine with me.

15 MR. BRAVE: Thank you, Your Honor.

16 (Whereupon, counsel returned to the  
17 trial table and proceedings resumed in open  
18 court.)

19 THE COURT: Have a seat, Detective.

20 DETECTIVE REQUER: Morning, Your Honor.

21 THE CLERK: One second. State satisfied  
22 its witnesses have been sequestered?

23 MR. BRAVE: Yes, we are satisfied.

24 THE CLERK: Defense satisfied?

25 MR. TAYBACK: Yes.



1 MR. BRAVE: Thank you, Madam Clerk.

2 THE COURT: Ready?

3 MR. BRAVE: Yes, Your Honor. Let me  
4 just explain for the record that at this time the  
5 State is recalling Detective Requer to the stand.

6 THE COURT: No further explanation is  
7 necessary.

8 MR. BRAVE: Very well. Thank you, Your  
9 Honor. Detective, you are now available to answer  
10 some questions Mr. Tayback might have.

11 THE WITNESS: Yes, sir.

12 DETECTIVE OSCAR REQUER,  
13 a witness having previously been duly sworn,  
14 according to law, was examined and testified as  
15 follows:

16 RECROSS EXAMINATION

17 BY MR. TAYBACK

18 Q Detective Requer, when we left off  
19 yesterday I had asked that you bring to court the  
20 ripped house coat. Have you brought that to court  
21 today?

22 A Yes, sir, I have.

23 Q Do you have that with you?

24 A It's up in the office.

25 Q It's where?

1           A     Upstairs in Mr. Brave's office.

2           Q     Mr. Brave's office?

3           A     Yes, sir.

4                     MR. TAYBACK: Could I request of the  
5 Court that somebody go and get it?

6           Q     Now, Detective Requer, with respect to  
7 the matter we were discussing, 862 West Fayette  
8 Street, June 19, 1986, at which time you along  
9 with a Sergeant Jay Landsman were the first  
10 officers up to the third floor of that house  
11 during the course of the raid that was being  
12 conducted, is that correct?

13          A     Yes, sir, it is correct.

14          Q     At that time you had entered the bedroom  
15 of one Nellie Chew and had found in that room  
16 Nellie Chew, Jeanette Blunt, Robert Robinson, who  
17 I think you also identified by the street name of  
18 Bobby Bird, Edward Cooper, and Leroy Boyce, is  
19 that correct?

20          A     With the exception of Jeanette Brown,,  
21 not Blunt, was in the room.

22          Q     I'm sorry. Jeanette Brown?

23          A     Yes, sir.

24          Q     Now, when you had entered that room, you  
25 had told the ladies and gentlemen of the jury that

1       you had found a quantity of cocaine or white  
2       powder which you believed to be cocaine on the  
3       bed, is that true?

4             A       Yes, sir.

5             Q       Where were these individuals, these five  
6       individuals, at or about that bed? Were they all  
7       in this room?

8             A       They were all in the room, yes, sir.

9             Q       This is a large room or a small room?

10            A       It's relatively small.

11            Q       Were they all in close proximity, that  
12       means close to the bed?

13            A       Yes, sir.

14            Q       With respect to Leroy Boyce, where was  
15       he when you entered the room?

16            A       He was nearest the bed. It would be the  
17       west wall in the bedroom.

18            Q       What, if anything, did he do in your  
19       presence that you saw when you entered the room?

20            A       Well, upon entering the room, we told  
21       everyone to remain still, to raise their hands,  
22       Mr. Boyce several times reached towards the bed.

23            Q       What was on the bed?

24            A       It was a large quantity of suspected  
25       CDS, some men's clothing in addition to a 9

1 millimeter weapon.

2 Q What was he reaching for, officer?

3 A At that time I felt that he was reaching  
4 for the weapon.

5 Q The 9 millimeter automatic handgun, is  
6 that correct?

7 A I believed that, yes, sir.

8 Q In your search of this particular room,  
9 did you find, in addition to the handgun and the  
10 sawed-off shotgun, which were at or about the  
11 dresser of Nellie Chew, did you find anything else  
12 at that location, that is, the dresser in the room  
13 of Nellie Chew?

14 A Yes, sir, some bloody clothing. It was  
15 a pair of mens briefs and a small shirt which I  
16 thought was an infant's shirt.

17 Q And where was this bloody clothing  
18 found?

19 A They were in a plastic bag and they were  
20 located in one of the dresser drawers.

21 Q Was it in one of the dresser drawers or  
22 behind one of dresser drawers?

23 A Actually behind it.

24 Q I am sorry?

25 A Behind the dresser drawer.

1 Q Was it secreted back there?

2 A Yes, sir.

3 Q Hidden back there?

4 A Yes, sir, it was secreted.

5 Q Did there come a time when you searched

6 other portions or other parts of the house?

7 A Yes, sir, the entire premises were

8 searched from the first, all the way down to the

9 basement. From the third floor to the basement of

10 the premises.

11 Q Did there come a time when you found

12 anything at or about the kitchen of the house?

13 A Yes, sir.

14 Q What was that?

15 A It was a box of 357 Magnum bullets and

16 what was particularly interesting to us as far as

17 this case is concerned, two of the primers on the

18 bullets had been struck.

19 Q With respect to those bullets, you also

20 found other bullets at that location, is that

21 correct?

22 A Yes, sir, upstairs.

23 Q You did find how many 357 Magnum bullets

24 in that house?

25 A I don't have the exact number, but it

1 was approximately half a box. A box usually has  
2 fifty rounds.

3 Q Approximately twenty-five rounds of  
4 ammunition for a 357 Magnum gun, is that correct?

5 A That's a fair estimate, yes, sir.

6 Q Two of which appeared to have been fired  
7 or attempted to be fired, the firing pin hitting  
8 the jacket of the bullet, is that correct?

9 A That's correct, sir.

10 Q Where were these found, where were these  
11 bullets found?

12 A They were found in the kitchen at 862,  
13 top of a kitchen cabinet there.

14 Q They weren't found in the cabinet, on  
15 top?

16 A On top, yes, that is correct, sir.

17 Q Were you able to see those bullets when  
18 you went into the kitchen?

19 A No, you couldn't see them. I believe I  
20 looked up top.

21 Q Did you have to search around to find  
22 those bullets?

23 A Had to go up on top of it, yes, sir.

24 Q Did there come a time -- By the way, was  
25 there anybody else in that house other than those

1 five people who were in that room when you  
2 conducted the search and seizure?

3 A Yes. We located a Coco, that was her  
4 alias, I believe her correct name is Godlieb, I'm  
5 not sure of her first name, and two of Miss Chew's  
6 brothers, Dennis Chew and I don't recall the  
7 second brother's name.

8 Q Now, with respect to this particular  
9 case, did you eventually take into custody Nellie  
10 Chew, Jeanette Brown, Robert Robinson, Edward  
11 Cooper, Leroy Boyce, Karen Godlieb?

12 A Godlieb.

13 Q Coco Godlieb, whatever her name is?

14 A Everyone on the premises was arrested,  
15 yes, sir.

16 Q Did there come a time when you were in  
17 the company of Nellie Chew and Karen Coco Godlieb?

18 A Yes, sir.

19 Q When was that?

20 A It was on the 19th of June. They were  
21 all in the homicide unit office.

22 Q In your presence, did you hear Nellie  
23 Chew say anything to Karen Godlieb?

24 MR. BRAVE: Objection, Your Honor.

25 THE COURT: Sustained.

1 MR. TAYBACK: May we approach, Your  
2 Honor?

3 THE COURT: Yes.

4 (Whereupon, counsel and the Defendant  
5 approached the bench and the following conference  
6 ensued:)

7 THE COURT: Mr. Tayback.

8 MR. TAYBACK: Thank you, Your Honor.  
9 With respect to my questioning of the detective,  
10 I'm asking him only as to that which he heard  
11 himself. I'm asking only as to that which he  
12 heard with his own senses, his own hearing, and  
13 nothing as to anything else that somebody told  
14 him, that somebody else said. I'm asking only as  
15 to that which he heard. I think that is  
16 allowable.

17 THE COURT: That's an out of court  
18 statement, Mr. Tayback.

19 MR. TAYBACK: I understand that, Your  
20 Honor, of course it is. It's extrajudicial, no  
21 question about it, but, on the other hand, he  
22 heard it.

23 MR. BRAVE: Could we inquire of Mr.  
24 Tayback, Your Honor, is he offering that statement  
25 for the truth of the matter asserted therein or is



1 he offering it simply for the state of mind of the  
2 officer? If he's offering it for state of mind of  
3 the officer --

4 THE COURT: Are you going to argue his  
5 case for him, Mr. Brave? You seem like you are  
6 arguing his case now.

7 MR. TAYBACK: Well, I think the State --  
8 Thanks. I think the State is basically on point  
9 with respect to it.

10 Now, I don't have to be alleging the  
11 truth of the matter contained therein to have it  
12 introduced as evidence. It is allowable as simply  
13 that which the investigating officer in this case  
14 had as a state of mind, that which he heard, and  
15 it is not introduced as something which is of  
16 probative value therein.

17 It is simply something that the officer  
18 as part of the investigation in the case had as  
19 the developing information and received it in due  
20 course and he heard it.

21 MR. BRAVE: Would you, Mr. Tayback,  
22 agree that, assuming it is relevant, that the  
23 officer after this statement which he need not  
24 repeat, but after this statement that the officer,  
25 the Detective overheard is heard, wouldn't Mr.

1     Tayback agree that if he's going for the state of  
2     mind of the detective, then his state of mind is  
3     Coco might have had something to do with it.  
4     Wouldn't you agree to that?

5             MR. TAYBACK:   Yes.

6             MR. BRAVE:    If he wants to develop it  
7     without getting into the contents of the  
8     statement, that Coco might have had something to  
9     do with it, that that was his state of mind, Your  
10    Honor, that might be relevant but it is also  
11    relevant for either Mr. Tayback or I to follow up  
12    with a question, well, what did you do about that;  
13    I eliminated her as a suspect.

14            MR. TAYBACK:   That's acceptable.   That's  
15    fine.   I have no problems with that.

16            THE COURT:    Very well.

17            MR. BRAVE:    If that's what he wants.   I  
18    mean, if it is just that and you are not going to  
19    get into the content of the statement, just that  
20    as a result of hearing this statement you  
21    suspected Coco, you thought that Coco might have  
22    something to do with it.

23            MR. TAYBACK:   Exactly.   Mr. Brave put  
24    the right words right into my mouth.   If you allow  
25    that, I'll do that exactly.

1 THE COURT: Very well.

2 MR. BRAVE: I'll be able to follow it up  
3 or you will follow it up.

4 MR. TAYBACK: Fine.

5 MR. BRAVE: All right.

6 (Whereupon, counsel returned to the  
7 trial table and proceedings resumed in open  
8 court.)

9 Q Detective Requer, I had asked you  
10 whether you had overheard Nellie Chew discussing  
11 matters pertaining to this homicide on the night  
12 of June 19, 1986 in your presence?

13 A I heard her make a remark to, I believe  
14 --

15 Q Now, because I don't want you to go into  
16 the details of the remark, let me stop you right  
17 here. We have kind of a specific court ruling as  
18 to what you are allowed to say and not.

19 Did you hear Nellie Chew discussing  
20 anything with Karen Godlieb, Coco, that appeared  
21 to you to pertain to the murders of June 2, 1986.

22 MR. BRAVE: Excuse me, Your Honor, could  
23 I suggest, with your permission in open court, let  
24 Mr. Tayback just ask questions calling for a yes  
25 or no answer and I won't object.

1 MR. TAYBACK: All right, fine.

2 MR. BRAVE: Just yes or no.

3 Q Did you hear Nellie Chew speak with  
4 Karen Godlieb that evening in your presence?

5 A Not to Karen Godlieb, no, sir.

6 Q Who was it with whom she spoke?

7 A She made a remark -- Well, she --

8 MR. BRAVE: The question was who was  
9 it.

10 A Okay, it was --

11 Q Yes.

12 A Debra Lowe.

13 Q So the conversation was between Nellie  
14 Chew and Debra Lowe, is that correct? Yes or no.

15 A Right.

16 Q With respect to that conversation, were  
17 you in essentially the position of overhearing a  
18 private conversation? Yes or no.

19 A Yes, I heard it.

20 Q With respect to that conversation, did  
21 it involve information that led you to believe  
22 that Karen Coco Godlieb had some knowledge or some  
23 involvement in the murders of June 2, 1986? Yes  
24 or no.

25 A No.

1           Q     Now, did you follow up and investigate  
2 to eliminate Karen Godlieb?

3           A     Yes, sir.

4           Q     And you did that for what reason then?  
5 Can you tell me that without going into the  
6 details of the conversation? Was it related to  
7 that conversation and what you overheard?

8           A     Not that one particular conversation,  
9 no, sir.

10          Q     Again, yes or no, based on that  
11 conversation did you have the understanding that  
12 Karen Godlieb had knowledge of the June 2, 1986  
13 murders? Yes or no.

14          A     Repeat it again for me.

15          Q     Based on that private conversation  
16 between Nellie Chew and Debra Lowe, did you then  
17 understand that Karen Godlieb, Coco had  
18 information, knowledge or some sort of involvement  
19 in the June 2, 1986 murders of Deborah Veney and  
20 Glenita Johnson? Yes or no.

21          A     Can't answer yes or no.

22          Q     Your answer would have to be more  
23 detailed than that?

24          A     Well, not really. I say there's a  
25 possibility.

1 Q Your answer is yes, maybe?

2 A Yes, maybe. No, maybe.

3 Q Well, maybe goes both ways. Yes or no

4 maybe?

5 A I said there is a possibility.

6 Q All right. Now, with respect to those

7 bullets that were retrieved from the house at 862

8 West Fayette Street, you took those into custody,

9 did you not?

10 A Yes.

11 Q Police custody?

12 A Yes, sir.

13 Q Those were submitted to the Baltimore

14 City Crime Laboratory for analysis by the firearms

15 examiners, is that correct?

16 A At first I submitted them to the

17 firearms section. Then I later retrieved the

18 bullets and took them to the F.B.I. over in D.C.

19 Q But they were analyzed, is that correct?

20 A Yes, sir, eventually they were.

21 Q Fine. With respect to the housecoat, do

22 you have that?

23 A Yes, sir.

24 MR. TAYBACK: Your Honor, I'd ask this

25 be marked as Defendant's Exhibit 1 for

1 identification purposes at this time.

2 THE COURT: Very well.

3 THE CLERK: It's Number 2.

4 MR. TAYBACK: 2.

5 THE CLERK: Defendant's Number 2 for  
6 I.D.

7 MR. TAYBACK: At this time.

8 (Marked for identification

9 Defendant's exhibit 2.)

10 Q Now, officer, I'm going to show to you  
11 this garment. I'm going to ask first for you to  
12 look at it and to indicate to the ladies and  
13 gentlemen of the jury whether this is, indeed, the  
14 garment that was taken off of Deborah Veney by the  
15 medical examiner or somebody June 2, 1986, and  
16 which was the garment that she was wearing when  
17 you began your investigation at 4711 Navarro  
18 Road? Can you see it or do you need to hold it?

19 A I can see it. That is the garment.

20 Q Now, showing it to the ladies and  
21 gentlemen of the jury, and I'll hold it so they  
22 can see it, do you agree, officer, that there is a  
23 rip on what would be the left rear side of this  
24 garment at or about the back portion of the  
25 shoulder?

1           A     Yes, sir, agree.

2           Q     Do you also agree that there is a rip  
3           there on the garment that extends from the right  
4           shoulder area down through the back into  
5           approximately close to the middle portion of the  
6           back? Do you see that, officer?

7           A     Again, I agree, yes, sir.

8           Q     Also see that there is ripping of the  
9           garment, and this would be the right front of the  
10          garment, at or about the portion below the right  
11          shoulder blade. Do you see that also?

12          A     Yes, sir, I do.

13          Q     Now, with respect to the pockets of the  
14          garment, do you see any ripping of the pockets?

15          A     They are intact.

16          Q     They are intact, is that correct?

17          A     That's correct.

18               MR. TAYBACK: Your Honor, I'd ask this  
19          be marked as Defendant's Exhibit Number 2 for  
20          evidence at this time. Your Honor, it is in a bag  
21          which has other items, which I don't know whether  
22          the State is going to introduce or not. So, it  
23          may be that the tag has to be put directly on the  
24          garment itself and placed into a different bag.

25               THE COURT: Very well.



1 (Received into evidence  
2 Defendant's Exhibit 2.)

3 MR. TAYBACK: I have no further  
4 questions.

5 REDIRECT EXAMINATION

6 BY MR. MURPHY.

7 Q Detective, Mr. Tayback asked you a  
8 question about something you overheard which  
9 pertained to Karen Godlieb, also known as Coco?

10 A Yes, sir.

11 Q You remember that?

12 A I remember.

13 Q That raised some suspicion in your  
14 investigator's mind, whatever that conversation  
15 was?

16 A It did, yes, sir.

17 Q Did you thoroughly run down that  
18 suspicion?

19 A Yes, sir.

20 Q Did you conclude that Karen Godlieb,  
21 Coco, whatever her name is, had nothing to do with  
22 this homicide?

23 A I'm convinced she had no involvement at  
24 all.

25 Q Did that include speaking to her?

1           A     Yes, sir, it did.

2           Q     Mr. Tayback asked you a question about  
3     the June 19th, 1986 raid on 862 West Fayette  
4     Street, and you spoke about some guns that were  
5     found there.

6           A     Yes, sir.

7           Q     You saw State's Exhibit Number 1 --

8           A     Yes.

9           Q     -- here in this case. On June 19th,  
10    that gun wasn't in 862 West Fayette Street, was  
11    it?

12          A     No, sir, it was not.

13          Q     This is a 357 Magnum here?

14          A     That's correct.

15          Q     There was no 357 Magnums in 862 West  
16    Fayette Street on June 19th?

17          A     No, sir.

18          Q     Mr. Tayback asked you about the people  
19    who were found in there. You went through a list  
20    of names. Edward Cooper, Robert Robinson, Karen  
21    Godlieb, Nellie Chew, Leroy Boyce, Dean Chew, or  
22    Dennis Chew. I may have left somebody out. Was  
23    Reuben Rainey in there?

24          A     No, sir, he was not.

25          Q     He wasn't in there at the time of the

1       raid?

2           A       No, sir.

3           Q       Do you know why he wasn't in there?

4           A       Yes, sir.

5           Q       Why wasn't he in there?

6           A       He had been arrested earlier that day.

7           Q       Where?

8           A       At 862 West Fayette Street.

9           Q       By who?

10          A       By narcotic officers from Northwest

11       District.

12          Q       Why?

13          A       He made a controlled purchase to them.

14          Q       What does that mean? Explain that.

15          A       He had sold CDS to a police officer and

16       he was arrested immediately.

17          Q       Where had he gotten the -- What kind of

18       CDS?

19          A       It was cocaine.

20          Q       Where had he gotten the cocaine from

21       that he sold to this police officer outside of 862

22       West Fayette Street?

23          A       He had received it from the premises of

24       862 West Fayette Street.

25          Q       From the inside of 862?

1           A     Yes, sir.

2           Q     Who was that, Detective Requer?

3           A     Officer Hicks.

4           Q     That was earlier the same day of June

5     19th?

6           A     Earlier that day, yes, sir.

7           Q     Detective, as a matter of fact, the

8     arrest of Reuben Rainey, the Defendant here, the

9     sale by him to a police officer of drugs he got

10    out of 862 West Fayette Street earlier the same

11    day, you went in with a warrant, that is what led

12    you to get that warrant?

13          A     That's correct, sir.

14          Q     Now, detective, the garment that you

15    held up for Mr. Tayback has the rippings you

16    described. The jury, of course, saw the rips.

17    Would you describe that garment as a sturdy

18    garment or a sheer garment?

19          A     Sheer. It's rather flimsy.

20          Q     What kind of force, detective, does a

21    357 Magnum bullet coming out of a 357 Magnum gun

22    create on the body of someone?

23          A     It's tremendous. As you saw Miss

24    Veney's head, it's --

25          Q     If someone was aiming a 357 Magnum gun

1 at the head of the woman wearing a sheer garment  
2 like that, while holding her by that sheer  
3 garment, and pulled the trigger, thereby blowing  
4 off her head, would the damage you displayed,  
5 could that have occurred for that reason?

6 A Could have, yes, sir.

7 Q The fact remains, detective, that you  
8 weren't there the night these murders happened?

9 A That's correct, sir, I was not.

10 Q And you don't know exactly when, where  
11 or how those rips got there?

12 A No. I know, like I said, I do know from  
13 the body it was evident she was dead. However, I  
14 did note she did have small tears, as I so  
15 testified, on the right side of the garment. Had  
16 no reason to look at the rest of the garment.

17 Q Detective, you don't know because you  
18 weren't there, you don't know even whether the  
19 rips or tears were put there while she was still  
20 alive, you don't know that?

21 A I have no idea, no, sir.

22 Q If fact, as far as you know it could  
23 have been ripped by the killer or someone else  
24 after she lay on the floor?

25 A It could have very well been done. It

1       could have been done down at the morgue for all I  
2       know too.

3               Q       Could have been done at the morgue even?

4               A       Right.

5                       MR. MURPHY:   No other questions.

6                               RECROSS EXAMINATION

7       BY MR. TAYBACK

8               Q       Detective Requer, really you know as  
9       well as I do that those rips weren't done at the  
10      morgue?  You saw the rips at 4711 Navarro Road,  
11      didn't you?

12              A       As I testified, counselor, I saw the one  
13      in the upper portion of her right side.  I also  
14      today, at your direction, I checked with the crime  
15      lab and I know they didn't do it and --

16              Q       Exactly.

17              A       -- they --

18              Q       Unless, detective, excuse me, unless Dr.  
19      Zane at the Medical Examiner's Office comes in  
20      here and says I ripped up that garment for  
21      whatever reasons, it was done at the time that the  
22      person was wearing it at 4711 Navarro Road, isn't  
23      that right?

24              A       Yes, sir.

25              Q       That's the only logical conclusion, the

1       only realistic reasonable conclusion that can be  
2       made from the physical evidence you have right  
3       before you?

4           A       Counsel, I beg to differ. I mean, first  
5       of all, Dr. Zane doesn't undress the victims.  
6       There is an attendant that does that. He is the  
7       one who take the clothes off of her. It could  
8       very well have been done by the attendant, I don't  
9       know.

10          Q       You got every other piece of clothing  
11       that that woman had on her body and there isn't  
12       one piece of that that is torn, is there?

13          A       Look at the material, it's a different  
14       type of material, too, counsel.

15          Q       That isn't my question.

16          A       You are correct.

17          Q       Isn't any of it torn?

18          A       That's correct.

19          Q       With respect to Reuben Rainey when he  
20       was arrested outside 862 West Fayette Street on  
21       the morning of June 19, 1986, did he have a  
22       handgun on him?

23          A       No, sir, he did not have a weapon on  
24       him.

25          Q       Weapons in this case had to do with the

1 bed right in front of Leroy Boyce and the bureau  
2 or dresser drawer of Nellie Chew, isn't that  
3 correct?

4 A In all events, that's correct.

5 Q And on a window sill which was right  
6 where Leroy Boyce was?

7 A No, sir, that's where Mr. Cooper was.

8 Q Excuse me, Mr. Cooper, Edward Cooper.  
9 Now, with respect to the bullets that fit the gun,  
10 those are found in the kitchen of Nellie Chew?

11 A Yes, sir.

12 MR. TAYBACK: No further questions.

13 MR. MURPHY: Your Honor, with the  
14 Court's permission, I neglected to ask one  
15 question of --

16 THE COURT: Go ahead, Mr. Murphy.

17 REDIRECT EXAMINATION

18 BY MR. MURPHY

19 Q Mr. Tayback asked you about some bloody  
20 garments that were found?

21 A Yes, sir.

22 Q What kind of garments?

23 A There was a pair of men's briefs, large  
24 size briefs, and it was a terry cloth type of  
25 jersey. It was small and I thought it belonged to



1 an infant. I really don't know.

2 Q Directing your attention to the men's  
3 briefs. You say large size?

4 A Size large, yes, sir.

5 Q And when you say briefs, you mean briefs  
6 as opposed to boxer shorts?

7 A That's correct, yes, sir.

8 Q Leroy Boyce was arrested in 862 West  
9 Fayette Street?

10 A Yes, sir.

11 Q How was he dressed?

12 A He had a pair of blue nylon boxer shorts  
13 and I don't believe -- he didn't have a top on.  
14 Just boxer shorts.

15 Q Detective, in a minute I'm going to show  
16 you a picture and ask you whether that fairly and  
17 accurately depicts how, excuse me, how Leroy  
18 Boyce, one of the people, one of the people  
19 arrested in there was dressed when he was  
20 arrested. State's Exhibit 31.

21 A Yes, sir, this is Mr. Boyce, exactly how  
22 he was dressed when arrested.

23 Q He's wearing blue boxer shorts?

24 A Blue nylon boxer shorts.

25 Q And the bloody briefs were not like

1       this?

2           A       No, sir.

3           Q       Completely different style?

4           A       Yes, sir.

5           Q       Is Mr. Boyce a large man or a small man?

6           A       He's relatively small. I guess he's  
7       about five six, a hundred and fifty pounds.

8           Q       Is he smaller than this Defendant right  
9       here, Reuben Rainey?

10          A       A lot smaller.

11               MR. MURPHY: I would offer this into  
12       evidence, Your Honor, State's Exhibit 31.

13                       (Received into evidence  
14                       State's Exhibit 31.)

15               MR. MURPHY: I have no further  
16       questions.

17               MR. TAYBACK: Very briefly.

18                       RE CROSS EXAMINATION

19       BY MR. TAYBACK

20           Q       The garments were found in Nellie Chew's  
21       dresser, hidden away behind the drawer, true?

22           A       Yes, sir.

23           Q       Nellie Chew is the girlfriend of Leroy  
24       Boyce, one of the girlfriends of Leroy Boyce,  
25       true?

1           A       True.

2           Q       Of course, you couldn't get anybody  
3       whatsoever to say that Reuben Rainey put those  
4       garments there, he secreted them in the dresser?

5           MR. MURPHY:  Objection.

6           THE COURT:  Sustain the objection.

7           MR. TAYBACK:  No further questions.

8           MR. MURPHY:  No redirect.  No more  
9       questions.

10          THE COURT:  You may step down.

11          THE WITNESS:  Thank you.

12          MR. BRAVE:  Next witness?

13          THE COURT:  Yes, please.

14          MR. BRAVE:  The State would call Joanne  
15       Blunt.

16                   JOANNE BLUNT,

17       a witness produced on call of the State, having  
18       first been duly sworn, according to law, was  
19       examined and testified as follows:

20               THE CLERK:  State your full name and  
21       present address.

22               THE WITNESS:  Joanne Blunt, I live 3613  
23       Howard Park Avenue.

24                   DIRECT EXAMINATION

25       BY MR. BRAVE

1 Q Good morning, Miss Blunt.

2 A Good morning, Mr. Brave.

3 Q Miss Blunt, you are testifying here  
4 today with an understanding with the State?

5 A Yes.

6 Q Tell the jury as best as you can what  
7 our understanding is as to what we are doing for  
8 you and how you are helping us?

9 A At first they was going to charge me  
10 with accessory after the fact. Now --

11 THE COURT: Accessory to what?

12 THE WITNESS: The crime of -- to murder,  
13 but I agreed to be a witness for the State.

14 Q Okay. In other words, at some point in  
15 time you gave us some information?

16 A Yes.

17 Q And so as not to put the cart before the  
18 horse, at some point in time we told you that we  
19 had some information about you?

20 MR. TAYBACK: Objection.

21 A Yes.

22 MR. TAYBACK: To the leading form of the  
23 questions.

24 MR. BRAVE: All right.

25 THE COURT: We haven't gotten to the

1 core issues yet. As to the preliminary question,  
2 I'll overrule the objection.

3 MR. BRAVE: Let me approach it  
4 differently.

5 Q We told you, in effect, that if you  
6 cooperated with us and tell the truth, if your  
7 involvement in this matter amounted to being an  
8 accessory after the fact, we would not charge you  
9 with being an accessory after the fact?

10 A Correct.

11 Q When did you come up with this  
12 information?

13 A Excuse me?

14 Q When did you come forward with this  
15 information which you are about to tell the jury?

16 A When did I come forward with this  
17 information?

18 Q Right. How long after the murders? Do  
19 you remember the exact date?

20 A No, I do not.

21 Q Okay. Was it the date that you gave us  
22 a statement, a signed statement?

23 A Yes.

24 Q If I show you that signed statement,  
25 could that possibly refresh your recollection as

1 to the time that you came forward?

2 A Yes. May I see it, please?

3 Q Let me give the witness what would be  
4 for identification State's Exhibit 32, I believe.

5 THE CLERK: 32.

6 MR. BRAVE: This is for I.D only.

7 (Marked for identification  
8 State's Exhibit 32.)

9 Q Miss Blunt, I'm going to show you a ten  
10 page written statement. Do you recognize what's  
11 been marked as State's Exhibit 32 for  
12 identification? Do you recognize the signature?

13 A Yes, that's my signature.

14 Q I am looking at the date. Take a look  
15 at that just for a moment. Don't read it or  
16 anything. Don't read it out loud, but tell me  
17 whether that piece of paper, those ten pieces of  
18 paper in your hand helps you remember when you  
19 came forward with your information?

20 A Yes.

21 Q When was that that you came forward?

22 A It was on July the 30th.

23 Q The same date you signed this statement?

24 A Yes, same day I went to the grand jury.

25 Q Okay. Now, July 30th, the murders

1 occurred when?

2 A I'm not sure of the exact date when the  
3 murders occurred.

4 Q All right, do you remember the month?

5 A It was in May. I'm not sure of that.

6 Q Well, do you remember the day of the  
7 week?

8 A Not exactly. I can't say exactly.

9 Q Do you remember whether it was in the  
10 early morning?

11 A Yes, it was. It was in the early  
12 morning.

13 Q Do you remember whether it was the  
14 beginning of May or at the end of the May?

15 A I'm not sure exactly.

16 Q In any event, it was certainly a long  
17 time before July 30th, would you agree?

18 A Yes.

19 Q So would it be fair to say that -- Well,  
20 first of all, were you present when the murders  
21 occurred?

22 A Yes, I was.

23 Q Would you agree that immediately after  
24 the murders you did not go running to the police  
25 with the information that you had?

1           A       Excuse me.

2           Q       Right after the murders you did not go  
3 running to the police with the information that  
4 you had?

5           A       No, because I was scared.

6           Q       When the police first talked to you on  
7 July the 30th, did you admit or deny at first --

8           A       I lied.

9           Q       -- whether you had any information about  
10 these murders?

11          A       I said I didn't have any. I don't know  
12 anything about it.

13          Q       Did the suggestion, did the police  
14 suggest to you at that point that you might very  
15 well be an accessory after the fact?

16               MR. TAYBACK: Objection.

17          A       Yes.

18               MR. TAYBACK: I think we are past  
19 preliminary stages now. So my objection is to the  
20 form of the questions.

21               MR. BRAVE: Okay.

22               THE COURT: From this point on, Mr.  
23 Brave.

24          Q       What made you change? What, if any --

25               THE COURT: For the record, I'll



1       overrule the preceding objection, but I will  
2       direct you from this point on to refrain from  
3       leading questions.

4               MR. BRAVE: Thank you, Your Honor.

5               Q       What, if anything, caused you to later  
6       that same morning or later that early afternoon,  
7       what caused you to give this statement?

8               A       Because Easy, Reuben Rainey told Easy  
9       and Jerry about the murders.

10              Q       Wait a minute, listen to my question.  
11       You are down at the, is it the homicide unit on  
12       July 30th?

13              A       Yes.

14              Q       They are asking you what you know about  
15       these June, these murders of the two ladies?

16              A       Yes.

17              Q       You tell them you don't know anything  
18       about it?

19              A       Yes.

20              Q       What caused you to change your mind?

21              A       Because they said they was going to  
22       charge me with accessory after the fact of murder.

23              Q       Okay. And this is what you told them?

24              A       Yes.

25              Q       Then in the middle of this they

1 interrupted this for you to go to the grand jury,  
2 right?

3 A Yes.

4 Q I want to direct your attention to the  
5 early morning hours of June the 2nd, it is a  
6 Monday morning. At or around that time, did you  
7 have occasion to be at 4711 Navarro Road here in  
8 the City of Baltimore?

9 A Yes, I was.

10 Q About what time did you get there?

11 A It was late in the night. It was after  
12 twelve o'clock, after two. It was late. It was  
13 late that night.

14 Q How did you get there?

15 A We drove over in a car.

16 Q Who is we?

17 A Reuben Rainey, Nellie Chew, and myself.

18 Q Do you see Reuben Rainey in the  
19 courtroom today?

20 A Yes, I do. He's right here.

21 MR. BRAVE: For the record indicating  
22 the defendant.

23 Q Did you know Reuben Rainey at that time?

24 A Yes, I had met him, yes.

25 Q About how long do you think you knew him

1 at that time, if you know?

2 A I'm not sure exactly. At what time?

3 Q When you drove over to 4711 Navarro  
4 Road, how long had you known him?

5 A About a month, about two weeks to a  
6 month.

7 Q Did you know whether he was a  
8 Baltimorean?

9 A He was a New Yorker.

10 Q Who else was in that car, if anyone,  
11 that drove to 4711 Navarro Road?

12 A Nellie Chew drove us over. She drove  
13 the car.

14 Q What kind of car was it, do you  
15 remember?

16 A No, I don't. It was a rental car.

17 Q Nellie Chew was driving?

18 A Yes.

19 Q Where were you seated?

20 A I was in the back seat of the car.

21 Q Where was the Defendant Reuben Rainey  
22 seated?

23 A In the passenger front seat.

24 Q Why were you going to 4711 Navarro Road  
25 sometime after twelve o'clock in the morning?

1           A       To buy drugs.

2           Q       From whom?

3           A       Deborah Veney.

4           Q       How did you know that Deborah Veney was

5 going to have any drugs?

6           A       Because Nellie Chew called Denise

7 Coleman on the telephone and asked her does she

8 have any drugs and she said no. She said Debbie

9 have some and we were surprised that Debbie had

10 drugs and she gave us Deborah Veney's phone number

11 and Nellie Chew called Deborah Veney.

12          Q       How much drugs were you looking for?

13          A       We was looking for a gram.

14          Q       You had been smoking that day?

15          A       No, I was sniffing.

16          Q       Had you all run out?

17          A       Yes.

18          Q       Was Deborah Veney your usual supplier of

19 drugs?

20          A       No.

21          Q       Who usually supplied you with drugs?

22          A       Leroy Boyce.

23          Q       Why didn't you go to Leroy?

24          A       He was sick. He was sleeping.

25          Q       Do you know where?

1           A       Yes.

2           Q       How do you know where?

3           A       Because we took him over there to spend

4       the weekend.

5           Q       Over where?

6           A       Robin Robinson's house on Greenmount

7       Avenue.

8           Q       Who took Poppy over?   When I say Poppy,

9       does Leroy Boyce have a nickname?

10          A       Poppy.

11          Q       Is that what you call him or do you call

12       him Lee or Leroy?   What do you call him?

13          A       I call him Poppy.

14          Q       So, who took Poppy over to Greenmount

15       Avenue?

16          A       Reuben Rainey, myself.   Reuben Rainey

17       and myself.

18          Q       Do you remember arriving at 4711 Navarro

19       Road?

20          A       Yes, I do.

21          Q       Was there any other traffic in the 4700

22       block of Navarro Road when you got there?

23          A       It was a cab turning the corner.

24          Q       Why was Nellie along?

25          A       Because she knew exactly where Debbie

1 lived at.

2 Q Why were you along?

3 A Because he asked me to ride with them.

4 Q Why? Do you know?

5 A No, I don't.

6 Q You had nothing better to do?

7 A Right, I didn't have anything to do.

8 Q How much money did you all have with  
9 you?

10 A I didn't have any money, myself. I  
11 don't know exactly where the money came from, from  
12 Bey, from Nellie Chew or Reuben Rainey. I don't  
13 know how much they had apiece.

14 Q When you got there, who was already  
15 there?

16 A Deborah Veney, and Peaches.

17 Q Now, did you knew Deborah Veney?

18 A Yes.

19 Q How long had you known Deborah Veney?

20 A I had known Deborah Veney for a couple  
21 of years. She used to work with my mother up  
22 Sinai Hospital.

23 Q And she was also tied in with Poppy in  
24 some fashion?

25 A Yes.

1           Q     Describe that relationship as best you  
2     can?

3           A     He kept -- I think he kept money or  
4     something over her house. He used to deal with  
5     her and all that. They used to have a  
6     relationship together.

7           Q     She was one of Poppy's women?

8           A     Yes.

9           Q     While we are on the subject, so were  
10    you?

11          A     Yes, I was.

12                THE COURT: What is your date of birth,  
13    Miss Blunt?

14                THE WITNESS: December the 17th, 1962.

15          Q     So Deborah Veney was there, who else  
16    then? You mentioned Peaches?

17          A     Yes, Peaches.

18          Q     Did you know Peaches?

19          A     No, I only met her once before.

20          Q     This was the first time you were meeting  
21    her?

22          A     No.

23          Q     Where had you met her before?

24          A     On Fayette Street in Nellie Chew's  
25    house.

1 Q That's 862 West Fayette?  
2 A Yes.  
3 Q Tell us what happened when you got  
4 there?  
5 A Got to Navarro Road?  
6 Q Right.  
7 A Okay, went in. We asked Debbie, you  
8 know -- Reuben -- I mean, Bey asked Debbie do she  
9 have any coke. Debbie say, yeah, I have some.  
10 Then all I heard was the word gram. She says we  
11 want a gram of cocaine.  
12 Q Who says that?  
13 A Bey or either Reuben Rainey, I'm not  
14 sure. She said I don't have a gram. He said what  
15 do you have. She said I have seventy-five dollars  
16 worth. She said I don't have a scale, so I have  
17 to spoon it out.  
18 Q Now, this conversation that you are now  
19 describing, what room in this house at 4711 are  
20 you in? Do you remember what room you are in?  
21 A In the kitchen.  
22 Q Okay. Now, after she says she's going  
23 to have to spoon it out, what happens next?  
24 A And she spooned it out. She said, now,  
25 I don't have a gram. I don't have a hundred



1       dollars worth. I only have seventy-five dollars  
2       worth. And he said okay. Then Bey started to  
3       cook it up.

4               Q       Did any money change hands?

5               A       Yes, it was. He sets the money on the  
6       table and she picked it up and put it in her  
7       pocket.

8               Q       Do you remember what she was wearing?

9               A       She had on, the only thing I remember  
10      her jacket. It was a black jacket, just above the  
11      knees, two pockets on each side in front. So she  
12      stuck the money in the pocket.

13              Q       Did you count the money?

14              A       No, I did not.

15              Q       Now, you say they proceeded to cook it  
16      up?

17              A       Yes, Nellie Chew.

18              Q       Explain what you mean by that.

19              A       Put baking soda inside with the cocaine  
20      and then you put it in a tube and you cook it with  
21      fire and it comes back to base.

22              Q       And it is that base that you smoke?

23              A       Yes.

24              Q       So, Nellie Chew does the cooking?

25              A       Yes.

1 Q And what happens next?

2 A Nellie said this ain't right. So Rudy  
3 says let me see. So Rudy was looking at it. He  
4 said this ain't even come back fifty dollars  
5 worth. Then he took it out of the -- He took the  
6 water out of the tube and then he crushed it up,  
7 and he had cigarette and -- top paper and he was  
8 going to roll it up. Then he was going -- Then he  
9 smoked it. Then he said this don't even taste  
10 right, what is this, I want my money back or give  
11 me something else.

12 Q And did anyone respond? I mean, who  
13 said what next?

14 A Debbie said there's nothing wrong with  
15 it. Then I said to Debbie, I said Debbie, where  
16 is your cousin Jeanette and then I said call her  
17 for me. She called Jeanette on the phone. They  
18 was talking for awhile. I didn't hear what she  
19 was saying and I said let me speak to Jeanette and  
20 I was talking to Jeanette and then the argument  
21 started coming about.

22 Q In other words, at this point the  
23 subject of Jeanette comes up, there is a  
24 conversation between Deborah Veney and Jeanette,  
25 and then you get on the phone with Jeanette?

1           A       Yes.

2           Q       While you are on the phone, there is  
3 this argument where, in the same room, the next  
4 room?

5           A       The argument started in the kitchen. He  
6 said you want to give me something back.

7           Q       You are on the phone while this is  
8 happening?

9           A       Yeah, I was getting ready to hang up and  
10 I heard him say that. It was getting loud.

11          Q       Tell the jury exactly what you remember  
12 of that argument?

13          A       He said, you give me something back,  
14 this is compressed caine. He said, bitch, you  
15 going to give me something. So I said, Peaches,  
16 tell her to give him his money back or give him  
17 something, half his money.

18          Q       Where is Peaches at this point?

19          A       Peaches had walked into the living room  
20 and sit down.

21          Q       So you are talking to Peaches?

22          A       Yes.

23          Q       And telling her what?

24          A       I said Peaches, tell her, tell Debbie to  
25 give him the money, give him half his money back

1 or some more cocaine because the nigger is crazy.

2 Q What did you mean by that?

3 A He's crazy.

4 MR. TAYBACK: I'll withdraw the  
5 objection which I never got out.

6 Q All right. What happened next, Miss  
7 Blunt?

8 A And then Debbie said, oh, wait a  
9 minute. Okay, after I told, I told her that he  
10 was crazy, Peaches was saying, Debbie, give him  
11 the money back, give him something. Come on, you  
12 see, he ain't playing. Debbie said it was right,  
13 the cocaine was right. She was getting smart, you  
14 know, back at Reuben Rainey, and by that time he  
15 told me to watch Peaches; told Bey go start the  
16 car, bitch. Then he pulled out the gun. Then he  
17 pulled the thing, I don't know, the top part of  
18 the thing.

19 Q Let me stop you for a minute. Were you  
20 able to see that gun?

21 A Yes.

22 Q Describe what you were able to see?

23 A I seen the silver, silver part. His  
24 hand was on the handle so I didn't see the handle.

25 Q What part was silver?

1           A     The front part, the barrel, I don't  
2 know.

3           Q     Had you ever seen that gun before?

4           A     Yes.

5           Q     Have you ever seen this gun before --

6           A     Yes, that's the gun.

7           Q     -- State's Exhibit 1? Where had you  
8 seen this gun before?

9           A     On Reuben Rainey.

10          Q     On how many occasions?

11          A     It was a number of occasions that I seen  
12 the gun because he used to call it his wife,  
13 Maggie.

14          Q     Is this before or after the murders?

15          A     It was before.

16          Q     Do you know where Reuben Rainey got the  
17 gun?

18          A     No, I don't exactly.

19          Q     You don't recognize it as one of Poppy's  
20 arsenal of guns?

21          A     It might be. It might have been, I  
22 don't know exactly.

23          Q     You just reached the point where you are  
24 telling Peaches to tell Debbie give him some of  
25 the money back.

1           A       Yes.

2           Q       And Reuben Rainey removes Maggie or his  
3 wife from his -- from where?

4           A       I don't know exactly where he pulled it  
5 from, but he had it in his hand and he pulled the  
6 lever back. I said Debbie, you see, he not  
7 playing with you, why don't you go upstairs and  
8 give the money back, do something. She said --  
9 she just was getting smart back with him. I said  
10 again, just go ahead. Peaches was telling her go  
11 ahead and he let it go, because she moved, she  
12 stepped up a couple of steps, and then he let it  
13 go.

14          Q       Let what go?

15          A       The handle.

16               MR. BRAVE: Indicating the pin part.

17          Q       Did the weapon discharge?

18          A       No, it didn't because he released it.  
19 He released it somehow and it went back in place.

20          Q       Where are you while this is happening?

21          A       I was in the living room.

22          Q       Was there anything to block your view of  
23 what was going on?

24          A       No, it wasn't.

25          Q       How far away from this were you while

1       you were watching?   From you to where?

2           A       From me to about right at that end of  
3       the table, yes.

4           Q       So you are ten to, ten to twelve feet  
5       away?

6           A       Yes.

7           Q       So what happened next, Miss Blunt?

8           A       And then he told -- Then he said, bitch,  
9       you going to get -- He was talking to Debbie, he  
10      was talking to her again and he say, bitch, you  
11      going to give me something back, he say, or I'm  
12      going to kill your ass now.   Bey -- then he said,  
13      Bey, go start the car now.   Then he told me to  
14      watch Peaches.   I said, what I want watch her for,  
15      like that.   And then he said, you just -- he said  
16      you just go upstairs and get the money because I'm  
17      going to shoot you.   I'm going to count to three,  
18      bitch, one, two, and then when he counted to  
19      three, that's when the gun went off.   I was  
20      running out the door.

21          Q       Where did you run?

22          A       I ran past the car, past the car.

23          Q       The car was parked where?

24          A       In front of the door.

25          Q       Right in front of the door?

1           A     Yes.  It was, you know, a pavement,  
2 sidewalk.

3           Q     There's the front door, then there's a  
4 sidewalk.  Is the curb right there or is there  
5 more?

6           A     No, it's from -- like the house is right  
7 there at the door.  The house is at the door, and  
8 the curb, yes, and the curb ended, ended right  
9 where the brass thing is at, yes.

10          Q     So it's somewhat -- the curb is this far  
11 from the wall --

12          A     Yes.

13          Q     -- if that's the front door?

14          A     Yes.

15          Q     Then here's the car right here?

16          A     Yes.

17          Q     And you run where, past the car?

18          A     Yes.

19          Q     What do you mean by that?

20          A     I ran from the back way round past the  
21 car and I stopped.  He came out.  He said, bitch,  
22 get in the fucking car; get over here you stupid  
23 bitch.

24          Q     Well, where are you when this happens,  
25 this is said?



1           A       Where was I when he was saying it?

2           Q       When the Defendant Reuben Rainey said,  
3       bitch, get in the car?

4           A       I had ran past the car. I was running  
5       towards the front of the car.

6           Q       So what do you do when he says that?

7           A       I jumped in the front. I jumped in the  
8       driver's seat with Nelliw Chew.

9           Q       Incidentally, was there any other sound  
10      -- Did you hear any other gunshots besides the  
11      first one?

12          A       Yes, I heard another gunshot.

13          Q       At what point?

14          A       At the point as I was on, like on the  
15      end of the curb. When I heard the second gunshot  
16      I ran past the car. That's when he came out and  
17      said, bitch, get the fuck in the car you stupid  
18      assed self.

19          Q       So you are out on the street when the  
20      second gun -- second shot is fired?

21          A       Yes.

22          Q       And you tried to get in the car but --  
23      you're getting in which side did you say?

24          A       I got in the driver's seat where Nellie  
25      Chew was driving and I hurried up and shut the

1 door.

2 Q I mean, did you shove her over? Did you  
3 sit on her lap? I mean, how did that work?

4 A Nellie Chew is very skinny and I just  
5 moved on over, but she was still driving and when  
6 we got around the corner, he made me get out of  
7 the car and go round and get in the front seat.

8 Q So you are wedged there between the door  
9 and --

10 A Nellie Chew.

11 Q Who is driving?

12 A Yes.

13 Q And you make it to the corner?

14 A Yes. We went round the corner and on  
15 Walbash.

16 Q And then you changed back over into the  
17 passenger seat?

18 A Yes.

19 Q Well, where does Reuben Rainey go?

20 A He got in the back seat of the car.

21 Q Describe the Defendant Rainey at that  
22 point. Excuse me. Describe what he looked like  
23 and what, if anything, he said.

24 A He said to me, he said, you stupid -- he  
25 said, look at me, that bitch's brains on me. I

1       said, I'm not looking at you. He said, look, and  
2       I said yeah, it's on your head, and then he was  
3       clicking something out the gun. I had turned back  
4       around and inched down in the seat because I  
5       thought we was going to be next because we -- I  
6       inched down in the seat. I heard some clicking  
7       stuff and then he said, here, hold this gun. I  
8       said, why you want me to hold it; then he said,  
9       hold the gun, and he went and told me put it  
10      between my legs and put my legs together. He  
11      said, let's go see Poppy, Leroy Boyce.

12           Q       And where was Poppy at this point?

13           A       He was on Greenmount Avenue over Robin  
14      Robinson's house. He was sleeping.

15           Q       You had dropped him off there how long  
16      before this?

17           A       He stayed over there the weekend.

18           Q       I know, but when you dropped him off  
19      over at Greenmount Avenue at Robin Robinson's  
20      house, how long before these murders did you drop  
21      him off? How long before, an hour, a day, a week?

22           A       About two days.

23           Q       Is that where the car headed?

24           A       Excuse me?

25           Q       Is that where the car headed?

1           A     Yes.

2           Q     To Greenmount Avenue?

3           A     Yes.

4           Q     Anything unusual occur during that drive

5     from northwest Baltimore, Navarro Road over to

6     Greenmount Avenue?

7           A     No.

8           Q     What are you doing during that ride?

9           A     Scared, shaking, crying.

10          Q     What conversation is going on, if any?

11          A     It wasn't none. The only conversation

12     that went on was when he asked me was her brains

13     on him.

14          Q     When you got to Greenmount Avenue, what

15     happened at that point?

16          A     We knocked on the door. He told us to

17     say that we been, if the police should ask, we had

18     been there for awhile. I said okay. Then we

19     knocked on the door, and then Robin Robinson came

20     to the door and he asked where was Leroy. She

21     said upstairs sleeping, and we went upstairs. He

22     asked Robin to go in the living room and we went

23     into the bedroom. Poppy woke up and he was

24     telling Pop, guess what I just did, man. He said,

25     Pop, I just killed Peaches and Debbie. Then he --

1           Q     What did the Defendant Rainey tell Poppy  
2     that he had just done?

3           A     He just killed that bitch named Debbie.

4           Q     Did he tell Poppy why?

5           A     Yeah, he told him why.

6           Q     Well, tell the jury what he told him as  
7     to why he killed them.

8           A     He said Debbie trying to beat him over  
9     for some drugs.

10          Q     What else, if anything, did he tell  
11     Poppy?

12          A     He said about me, Rudy Rainey told  
13     Poppy, that that bitch beat the bullet out the  
14     gun; she was out the door before the bullet came  
15     out.

16          Q     So he was joking about the fact that you  
17     beat the bullet out of the gun?

18          A     Yes.

19               MR. TAYBACK:  Objection, Your Honor, to  
20     the State's question, not to the answer.

21               THE COURT:  I'll overrule the  
22     objection.

23          Q     What, if anything, did Poppy say?

24          A     Excuse me?

25          Q     What, if anything, did Poppy say when he

1 was greeted with this news from the Defendant?

2 A Poppy said you shouldn't a did that. He  
3 just told us to stay there until the morning,  
4 until later on that -- in the morning.

5 Q You didn't go to the police, did you?

6 A No, we did not.

7 Q Why not?

8 A Because I was scared. He said if I went  
9 to the police, he was going to kill me, too.

10 Q Eventually you gave this statement?

11 A Yes, the police came and picked me up  
12 from my home.

13 Q Have you had any contact with Reuben  
14 Rainey since he was indicted and charged with this  
15 crime?

16 A Yes.

17 Q Tell the jury about that?

18 A He said don't worry about it, he says  
19 it's nothing they can find out. He said as long  
20 as you all don't tell they won't never find out.  
21 And I said, Reuben -- Rudy, I never tell.

22 Q Let me interrupt. The conversation you  
23 are describing right now, is that before or after  
24 he was charged?

25 A It was before he was charged.

1 Q How long?

2 A I'm not sure.

3 Q After the murders, was there a

4 conversation you had with him in person or --

5 A Over the telephone. He was

6 incarcerated.

7 Q For the June 19th business up at 862?

8 A Yes.

9 Q Where were you when you received this

10 phone call?

11 A I was at my house on Howard Park Avenue.

12 Q What did he say to you during that

13 conversation?

14 A He said don't worry, you don't have

15 nothing to worry about. They don't have no

16 evidence. They will never find out. So, don't

17 even worry about it. I said I would never tell,

18 Rudy.

19 Q Have you had any conversation with him

20 after he was charged?

21 A Excuse me?

22 Q Have you had any conversation with

23 Reuben Rainey after he was charged --

24 A Yes.

25 Q -- with the crime? Tell the jury about

1       that.

2           A       He say what your name doing on my  
3       indictment paper. I said what else; they typed it  
4       on there. Then he was reading the rest of the  
5       names that was on the indictment paper. That was  
6       the witnesses.

7           Q       Is that the end of the conversation?

8           A       No, I don't exactly remember the rest of  
9       the conversation that day.

10          Q       Well, did he say anything to you that  
11       caused you any concern?

12          A       Well, the next day he -- Okay, the next  
13       day he called me and said you better not tell. He  
14       say I'm going to send you on a trip down North  
15       Carolina. I'm going to get somebody to send you a  
16       ticket. I said, no, I ain't Rudy.

17          Q       When you finally -- here I want you to  
18       hold on to this, State's Exhibit 32 for  
19       identification, just hold on to it.

20                 MR. BRAVE: State's Exhibit 33 for  
21       identification, Madam Clerk, the grand jury  
22       testimony of Joanne Blunt for identification only.

23                         (Marked for identification  
24                         State's Exhibit 33.)

25          Q       When you talked to the police way back



1 at the end of June, did you tell them that you  
2 went to Deborah Veney's house with Reuben Rainey  
3 and Nellie Chew?

4 A Yes, after they told me that they knew  
5 that I was there.

6 Q I understand. First you told them you  
7 didn't know anything about it?

8 A I didn't know anything about it.

9 Q I understand. But the first time you  
10 did tell them, did you tell them you drove over to  
11 Deborah Veney's house with Nellie Chew and with  
12 Reuben Rainey?

13 A The first time I told them?

14 Q Yes.

15 A No, the first time it was a lie because  
16 I told them that I was with someone else when I  
17 went over there.

18 Q What do you mean?

19 A I told them I was with Blayne, a friend  
20 of mine named Blayne.

21 Q When you went over where?

22 A Went over to -- on Navarro Road.

23 MR. TAYBACK: Your Honor, I think we are  
24 going to have to approach the bench because he's  
25 impeaching his own witness by a prior inconsistent

1 statement. I think we have to get the ground  
2 rules straight.

3 THE COURT: Approach the bench.

4 (Whereupon, counsel and the Defendant  
5 approached the bench and the following conference  
6 ensued:)

7 THE COURT: Mr. Tayback.

8 MR. TAYBACK: Your Honor, with respect  
9 to the witness at the present time, she is the  
10 State's witness. The State vouchs for her  
11 credibility such as it is, and the State is now in  
12 the process of impeaching her by bringing out  
13 prior inconsistent statements.

14 If the State is going to claim surprise  
15 or some other category that is allowable, so be  
16 it, but then the evidence has no evidentiary  
17 value. It is only to indicate to the jury that  
18 the State was somehow or the other taken back by  
19 what she said on the stand.

20 If the State is attempting to  
21 rehabilitate its own witness by attacking her,  
22 then I don't see how that follows the usual  
23 procedure that is allowed for the State in calling  
24 its own witness. She's not qualified as a Court's  
25 witness.

1 THE COURT: Question of -- go ahead.

2 MR. BRAVE: Well, Your Honor, the thrust  
3 of my questioning was aimed at developing prior  
4 consist statements, not prior inconsistent  
5 statements. This Blayne thing, I'd like to have  
6 an opportunity to clear up with her because I'm  
7 not -- I think what she is saying that at first  
8 she said, I don't know anything, then she said,  
9 oh, all right, I was there but I was with a guy by  
10 the name of Blayne and then within a short time  
11 she said, okay, I was there with Rainey and Nellie  
12 Chew.

13 I think that is what she is intending  
14 but this is first time I've heard this of this  
15 Blayne scenario.

16 THE COURT: The whole issue of  
17 impeachment of one's own witness obviously grows  
18 out of the central issue to any witness'  
19 testimony, which is credibility. While a  
20 prosecutor can not impeach his or her own witness,  
21 the question of whether or not a witness whose  
22 position is as Miss Blunt is, who has an obvious  
23 external force or factor -- strike the word  
24 obvious -- who has an external factor or force  
25 working on her ostensibly and theoretically

1 through the State's perspective is -- rather, the  
2 question is whether or not the Court should allow  
3 the State to develop at any given point where this  
4 witness was.

5 To be more specific, what the Court is  
6 saying, if you have the normal witness who has no  
7 prior coercion applied to him or her and there is  
8 absolutely nothing to explain and any party has no  
9 right to impeach that witness, and in this case of  
10 a witness who is closely tied to the person  
11 accused of a murder, as well as another person who  
12 apparently is involved in this whole scenario, the  
13 Court believes that it would have a modicum of  
14 discretion in making or allowing the jury to see  
15 how the position of this particular witness  
16 developed from the point of the incident down to  
17 today and allow them to make their own assessment  
18 as to the credibility. It is clear, this clearly  
19 is not the normal situation. Mr. Tayback.

20 MR. TAYBACK: Well, I agree with the  
21 Court, certainly is not normal.

22 I am thinking back with respect to the  
23 case law which is as to the normal situations. It  
24 would seem to me that once the State gets into a  
25 position of essentially bringing out the past

1 inconsistencies of the witness, that it represents  
2 impeachment no matter what you call it. Then the  
3 only question is what evidentiary value does her  
4 testimony have and what is of substantive  
5 evidentiary value and what is not, of course, I  
6 guess would be something for the Court to call.

7 The Court certainly, I think, can even  
8 at any point in the course of a witness' testimony  
9 change a person from being a State's witness to a  
10 Court's witness. So if the Court is allowed to do  
11 that, I suspect the Court is allowed to do a  
12 number of things in sound discretionary exercise.

13 THE COURT: Let me make clear at this  
14 juncture, this Court has absolutely no intention  
15 of declaring this witness to be a court's  
16 witness.

17 MR. TAYBACK: No, I'm not saying that.

18 THE COURT: I know you are not. I just  
19 want the record to reflect it.

20 MR. TAYBACK: That aspect is fairly  
21 broad I would think. The only problem I have is  
22 if you essentially attack your own witness, does  
23 she then have substantive or evidentiary value  
24 thereafter.

25 I know, for example, if they claim

1 surprise as to Blayne and whatever else is  
2 involved, that particular evidence should not have  
3 any evidentiary value and the jury should be so  
4 instructed. On the other hand, where does it go  
5 from there? Does that eliminate, eliminate her or  
6 is he only allowed to rehabilitate her after I  
7 cross examine her and try to take her down a peg  
8 that way.

9 THE COURT: It is obvious the State is  
10 offering her testimony for substantive purposes.  
11 Clearly, it wouldn't make any sense to offer her  
12 for any other purpose, and they were aware of at  
13 least some indicies.

14 Mr. Brave, I think you need to speak for  
15 yourself.

16 MR. BRAVE: Well, I just want to clear  
17 up the Blayne business and be given some latitude.

18 THE COURT: We have got something that  
19 is being presented here that I think you need to  
20 address.

21 Counsel is saying that if you are  
22 proceeding on a theory somehow or another that you  
23 are surprised, then the question is going to arise  
24 as to what is the nature -- I mean, she is saying  
25 that she at one point --

1 MR. BRAVE: I don't think we are at  
2 question of surprise. I don't think we have  
3 reached the question of surprise. I'm just trying  
4 to clarify what she is saying. I think she is  
5 saying, I think she is saying, look, on my way to  
6 telling them the truth I threw out a false  
7 statement in the form of Blayne.

8 THE COURT: I'm concerned about only one  
9 thing in this whole colloquy, that is, at some  
10 point in time I have to give instructions and if  
11 this witness' testimony is not being offered for  
12 substantive purposes, then the real big question  
13 is what it is being offered for.

14 If you then go ahead and impeach the  
15 witness, becomes a question as to just what the  
16 nature of this witness' testimony is.

17 MR. BRAVE: Offering it for the  
18 substantive type. At first she didn't cooperate  
19 and after she did cooperate, and I think I am  
20 bringing out that scenario now. Now, I don't  
21 think that is impeaching a witness.

22 THE COURT: Any time you show -- Well  
23 let's forget the word impeachment. So, let's deal  
24 with the terminology of consistent and  
25 inconsistent statements. I mean, if you show that

1       somebody said something under oath here and then  
2       you show they said something absolutely different  
3       at a prior time, what are you doing? Forget, just  
4       forget the word impeaching. I mean, don't forget  
5       it.

6               MR. BRAVE: I'm trying to clarify what  
7       she is saying. Let me find out what she is  
8       saying, then we will decide whether it is  
9       consistent or inconsistent or surprise or not  
10      surprise.

11             THE COURT: You don't try cases like  
12      that, Mr. Brave. You have got to really know up  
13      front what it is that you are doing with this  
14      witness because I have to make a ruling one way or  
15      the other on what this witness' testimony can be  
16      used for by the jury and that is very important in  
17      this case.

18             I mean, this idea of just letting it all  
19      hang out just isn't the way to go. You have got  
20      to decide what you are doing.

21             MR. MURPHY: So if he doesn't explore  
22      this any further, it is then his witness, vouching  
23      for the credibility of --

24             THE COURT: He's vouching -- Now, he's  
25      talking about clarifying something and, in



1 essence, what he is saying is I'm going to bring  
2 out this negative stuff for the defense.

3 MR. MURPHY: We stop here and defense  
4 brings out all these things.

5 THE COURT: That's the ball game.

6 MR. BRAVE: Just ask her to explain what  
7 you are saying about Blayne. That's all. Explain  
8 what you are saying. That's not impeachable.

9 THE COURT: What do you call it, Mr.  
10 Brave?

11 MR. BRAVE: Asking her to clarify what  
12 she is saying.

13 THE COURT: If she goes on and says,  
14 look, I was with this Blayne person, I was, or at  
15 least I told somebody I was with this Blayne  
16 person, it's a prior inconsistent statement. She  
17 wasn't with this Blayne person, she was on Navarro  
18 Road or Avenue, whatever it is. It is an  
19 inconsistent statement.

20 MR. BRAVE: It's inconsistent with her  
21 present testimony.

22 THE COURT: Right. So call it what you  
23 want. I mean, how do you get around the fact that  
24 it is impeachment? I started off this whole  
25 discussion by saying, obviously, the Court has

1       allowed the State some degree of latitude to  
2       present to the jury how this witness has come from  
3       one point to the other with certain explanations.  
4       The jury can understand she is saying something  
5       different from what she said before. Now, all of  
6       sudden this Blayne thing comes up. I don't know  
7       why you are pressing it. I don't know why you  
8       want to delve into it. You want to be bound by  
9       the testimony you elicit now, why are you trying  
10      to elicit all this other stuff? It's just  
11      clouding the whole issue.

12               MR. BRAVE: It's out there now. I  
13      should be able to clarify what she is saying.

14               THE COURT: Go right ahead and clarify  
15      it, Mr. Brave, but I'm telling you --

16               MR. BRAVE: I'm not going to use the  
17      impeachment type technique of cross examination.  
18      I'm just going to ask her.

19               THE COURT: If it comes out, it comes  
20      out. What's the difference between a question  
21      that is asked on cross examination and a question  
22      that is asked on direct? The same kind of  
23      question that is used on direct can be used on  
24      cross examination. I don't know how you make a  
25      distinction.

1 MR. BRAVE: Whatever. She's already  
2 testified that she was uncooperative at first.  
3 You call that impeaching your witness?

4 THE COURT: I just finished saying I  
5 granted some latitude in allowing you to explain  
6 to the jury.

7 How many inconsistencies are you you  
8 going to pull out of this witness? Go right  
9 ahead. Handle it anyway you feel.

10 MR. MURPHY: Judge, we are not -- if he  
11 goes any further --

12 THE COURT: I'm saying down --

13 MR. MURPHY: -- if there is any danger,  
14 you may instruct the jury.

15 THE COURT: I'm saying down the road I  
16 have to deal with the question of instructing this  
17 jury as to whether this witness' testimony is  
18 substantive testimony or --

19 MR. MURPHY: That's a question in your  
20 mind depending on how far down the road we go?

21 THE COURT: Right.

22 MR. MURPHY: That's a question in your  
23 mind.

24 THE COURT: I don't think there's -- in  
25 fact, I know there's no Kucharyck problem but this

1 is a whole different issue.

2 MR. MURPHY: It creates the danger of  
3 getting into that instruction if we go, is that  
4 what you are saying?

5 MR. BRAVE: I hear what you are saying  
6 by I just cannot --

7 THE COURT: Basically what I'm really  
8 coming back to, Mr. Brave, you have got your hands  
9 full trying the State's case. You seem to be  
10 determined to try Mr. Tayback's case, too.

11 MR. BRAVE: I hear you, Your Honor.

12 MR. TAYBACK: Question, Your Honor, are  
13 we going to take a break after the State's  
14 questions of Joanne Blunt because I have some  
15 transcripts I wanted to take a look at and find a  
16 few things. I also wanted to wash my hands.

17 THE COURT: I've got a luncheon  
18 engagement with Judge Bell. We can -- off the  
19 record.

20 (Whereupon, an off the record discussion  
21 was had and counsel returned to the trial table  
22 and proceedings resumed in open court.)

23 Q Miss Blunt, let me take you back to June  
24 the 30th or July the 30th, this is almost two  
25 months after the murders, right?

1           A     Yes.

2           Q     You are down at the homicide unit, they  
3           are asking you what you know about these murders.  
4           I believe you have already testified that at first  
5           you said nothing --

6           A     Yes.

7           Q     -- and then eventually there was some  
8           discussion about being charged with an accessory  
9           after the fact and this statement that you are  
10          holding came forth?

11          A     Yes.

12          Q     Now, was there anything in between that  
13          concerned somebody by the name of Blayne?

14          A     Excuse me?

15          Q     Between the time you said nothing, I  
16          know nothing about it, and the time that you gave  
17          him this statement, which tells the story you just  
18          told the jury --

19          A     Yes, I was telling Detective Requer --

20          Q     Listen to the question. Between -- Do  
21          you understand what I mean by between?

22          A     Between?

23          Q     That's in between, sandwiched in  
24          between, was there any discussion about a Blayne?  
25          You just mentioned Blayne. Who is Blayne?

1           A       Blayne is a friend of mine --

2           Q       Do you understand -- Stop. Do you  
3 understand what I am asking you?

4           A       No, I do not.

5           Q       Did you just use the term Blayne?

6           A       Yes.

7           Q       Well, what did you mean by that?

8           A       I was going to tell homicide that's who  
9 I was with Blayne Green.

10          Q       Did you tell homicide that?

11          A       That's what I told homicide. They  
12 didn't write it down.

13          Q       All right.

14                THE COURT: Is there such a person?  
15 Does such a person exist?

16                THE WITNESS: Blayne Green, yes.

17          Q       When did you tell them about Blayne?

18          A       Before I told them about the murders,  
19 before they said they knew I was there and that  
20 they knew that Rudy was there and Bey.

21          Q       Well, were you going to give them the  
22 name of somebody who knew something about it? I  
23 mean, why did you use the word Blayne?

24          A       Because that's what I -- that's what  
25 Rudy told me to say when, you know, I was saying I

1       wasn't with him, say I was somewhere else. So I  
2       said I was going to say I was with Blayne Green.

3               Q       Not that Blayne had anything to do with  
4       it but --

5               A       No.

6               Q       Okay. I understand. In other words,  
7       between the time you said nothing and the time you  
8       told them this, you started off by saying I was  
9       with Blayne Green?

10              A       Yes.

11              Q       Okay. After you got past that point and  
12      the police told you, wait a minute, we know --

13                   MR. TAYBACK: Objection, Your Honor, to  
14      the State testifying.

15              Q       Did the police at that point say --

16                   THE COURT: Sustained.

17              Q       Did the police at that point say we know  
18      you were there?

19              A       Yes.

20              Q       Did they talk about you being a possible  
21      accessory after the fact?

22              A       Excuse me?

23              Q       Did they tell you about the possibility  
24      of becoming an accessory after the fact?

25              A       Yes.

1 Q Is that when you gave them this?

2 A Yes.

3 Q Getting back to the original question  
4 before we go off on this tangent, when you finally  
5 told them this, did you tell them about the ride  
6 to Navarro Road? Yes or no.

7 A Yes.

8 Q Did you tell them --

9 MR. TAYBACK: Objection. I think she is  
10 still his witness. I think that's where we are  
11 still and he can't ask those sort of questions.

12 THE COURT: All right. I'll overrule  
13 the last objection. It was asked and answered.  
14 I'd ask Mr. Brave, if you will, ask non-leading  
15 questions.

16 Q Did you tell them exactly what happened  
17 inside Navarro Road like you just got finished  
18 telling the jury?

19 A Yes.

20 Q When you went before the grand jury, did  
21 you tell them exactly what happened inside of  
22 Navarro Road like you just got finished telling  
23 this jury?

24 A Yes.

25 MR. BRAVE: Okay. Thank you. I have no



1 other questions.

2 THE COURT: Cross examine.

3 MR. TAYBACK: Thank you, Your Honor.

4 CROSS EXAMINATION

5 BY MR. TAYBACK.

6 Q Miss Blunt, you are Leroy Boyce's  
7 girlfriend, is that correct?

8 A Yes, I was.

9 Q Well, at least as of a couple of months  
10 ago you were in fairly constant communication with  
11 him, isn't that true?

12 A Yes.

13 Q Are you still in communication with him?

14 A I haven't talked to Leroy.

15 Q Since when?

16 A I haven't talked to Leroy in over two  
17 weeks, three weeks.

18 Q Two weeks?

19 A Something like that.

20 Q All right. His nickname to you is  
21 Poppy. Your nickname to him is what?

22 A I don't have a nickname.

23 Q You remember telling me once before and  
24 telling under oath once before that your nickname  
25 was Mommy or he called you Mommy?

1           A       Yeah, he would call all women Mommy.  
2           Q       All women?  
3           A       Yes.  
4           Q       So you were mommy anyhow?  
5           A       Yes.  
6           Q       You were one of the Mommies, let's put  
7       it that way?  
8           A       Yes.  
9           Q       Now, you went to New York fairly  
10       frequently, frequently with Mr. Boyce, is that  
11       correct?  
12          A       Yes.  
13          Q       And what was the reason for you going to  
14       New York with Mr. Boyce, Poppy?  
15          A       Drugs.  
16          Q       And what was your responsibility, what  
17       did you do? Why did you go to New York with him?  
18          A       To bring the drugs back.  
19          Q       What was your function, why did he need  
20       you?  
21          A       Why did he need me?  
22          Q       Yes.  
23          A       No particular reason, anyone will go,  
24       any lady, any girl will go, as long as it's a  
25       female.

1 Q Why did he need a female?

2 A Because they could carry the drugs.

3 They couldn't get searched by male police if they  
4 search them.

5 Q So if something happened and Leroy Boyce  
6 and you got stopped by the police, you or one of  
7 his other ladies would have the drugs, is that  
8 correct?

9 A Yes.

10 Q So then if anything came down, it  
11 wouldn't be as to Leroy, it would be as to the  
12 person holding the drugs, is that true?

13 A Yes.

14 Q That was his operation, wasn't it, to  
15 shift the blame? Isn't that true?

16 A Yes.

17 Q You were one of those couriers for him?

18 A (Indicating affirmatively.)

19 Q Among other things, you received cocaine  
20 from him, isn't that true?

21 A Yes.

22 Q Wasn't that really his attraction to  
23 you? Not a very good looking guy otherwise, not  
24 exactly a snappy dresser or anything else, is he?

25 A No, he took care of me.

1           Q     And the way he took care of you was by  
2     providing you with an apartment that he used for  
3     his drug operation and by providing you with drugs  
4     and money?

5           A     Yes.

6           Q     Among other things he provided you with  
7     a kind of a secret apartment on the east side of  
8     town, isn't that true?

9           A     Yes.

10          Q     What's the address of that apartment?

11          A     I'm not sure of the exact address. I  
12     think it is 316 East Lorraine.

13          Q     That's on Lorraine, isn't it?

14          A     Yes.

15          Q     And am I correct that Poppy's method of  
16     operation of his business was to move among the  
17     houses of his various women every few days so that  
18     he would keep the police off track?

19          A     Yes.

20          Q     And he would keep the drugs and the  
21     money in those houses, he wouldn't keep very much,  
22     if anything, at all on himself, would he?

23          A     No, he never had drugs or money in my  
24     house. He didn't have them there.

25          Q     Never. Didn't leave them with you?

1           A     No.

2           Q     He did leave them with Deborah Veney,  
3     didn't he?

4           A     Yes.

5           Q     As a matter of fact, I think you said in  
6     your testimony a few minutes ago that he left  
7     money at her house; isn't that correct?

8           A     Yes.

9           Q     What sort of money, how much?

10          A     I don't know exactly how much money.

11          Q     She was a holder for him, wasn't she?

12          A     Yes.

13          Q     And the same thing would be true of  
14     Jeanette Brown?

15          A     I don't know.

16          Q     And Robin Robinson?

17          A     Yes.

18          Q     Nellie Chew?

19          A     Yes.

20          Q     Denise Coleman?

21          A     Yes.

22          Q     As a matter of fact, this car that you  
23     claim you were in on the morning of June 2, 1986,  
24     the rental car as you call it, who was the person  
25     who rented that car?

1           A     Denise Coleman.

2           Q     And that car was rented by Denise  
3 Coleman for whom?

4           A     Leroy Boyce.

5           Q     When was it that you had last gone to  
6 New York City with Leroy Boyce to get cocaine?

7           A     It was after the murders.

8           Q     Well, if I indicated to you that the  
9 murders occurred on June 2, 1986, which would be a  
10 Monday, so Sunday would be June 1st?

11          A     Uh-huh.

12          Q     Therefore, Saturday would be May 31st,  
13 Friday would be May 30th, does that refresh your  
14 recollection any?

15          A     No.

16          Q     You don't recall going up there and  
17 coming back with a large amount of cocaine?

18          A     I don't remember the dates, no, I don't.

19          Q     Well, do you remember that prior to  
20 these murders that you, Poppy, and I believe  
21 Nellie Chew had gone up to New York City that very  
22 weekend and had gotten a large amount of cocaine?

23          A     That was before the murders, me, Nellie,  
24 and Poppy went up there together.

25          Q     Before the murders?

1           A     Yes.

2           Q     That's what I'm saying.

3           A     Yes.

4           Q     So you had a large amount of cocaine at  
5 this time, that is --

6           A     Yes.

7           Q     -- the weekend immediately preceding  
8 June 2, 1986?

9           A     I don't know which weekend, but I did  
10 bring a lot of drugs back, yes.

11          Q     You say a lot. You mean a substantial  
12 quantity, pounds?

13          A     I don't know. I don't know the weight  
14 of it. It was about that much, in a big rock like  
15 that.

16          Q     A big rock of cocaine?

17          A     Yes.

18          Q     Big rock of cocaine?

19          A     Yes.

20          Q     Poppy, as part of his habit or as part  
21 of his operation then supplied from that as a  
22 gratuity, as a freebe, if you will, to all of his  
23 workers cocaine, isn't that true?

24          A     Yes, that's true.

25          Q     So there was no reason for you and

1        Nellie Chew, both of you who are main women of  
2        Poppy, to have to go over to Deborah Veney's house  
3        to get cocaine that Monday morning?

4            A        He was out of cocaine.

5            Q        He may have been out but certainly Poppy  
6        had a whole big rock?

7            A        Poppy was sick. He was under doctors'  
8        medication. He had an abscess up his nose.

9            Q        Because he had been using too much  
10       cocaine he had a sore nose, isn't that true?

11          A        Yes.

12          Q        That didn't prevent him from having a  
13       whole lot of cocaine?

14          A        No.

15          Q        Didn't prevent him from going up to New  
16       York and coming back on Saturday with a whole lot  
17       of cocaine?

18          A        No.

19          Q        And he still had that whole lot of  
20       cocaine with him over at Robin Robinson's house or  
21       else over at Denise Coleman's house which is  
22       Manchester Avenue?

23          A        No.

24          Q        I'm sure it was one or the other?

25          A        Yes.



1           Q     Now, had anybody come down from New York  
2 with you on either that Friday, May 30th or that  
3 Saturday, May 31st?

4           A     Yes, Reuben Rainey.

5           Q     So, is that the time that he came to  
6 Baltimore? Is that what are you saying?

7           A     Yes.

8           Q     So he comes to Baltimore on either  
9 Friday, May 30th, or Saturday, May 31st?

10          A     I'm not sure what date it is.

11          Q     I understand you don't know the dates.  
12 Now, at that time did you see him with this  
13 particular handgun, this is State's Exhibit either  
14 1 or 2, whatever number it is?

15          A     No, I did not.

16          Q     You didn't see him with that, did you?

17          A     No, not on the train.

18          Q     This particular gun, as a matter of  
19 fact, is Poppy's gun, isn't it?

20          A     I don't know. I don't know for sure.  
21 Poppy had numbers of guns.

22          Q     How many guns did Poppy have?

23          A     I don't know.

24          Q     He had plenty?

25          A     Every one his workers had a gun. All

1 the men workers had a gun, the ones that was  
2 protecting him.

3 Q Among those people who were his male  
4 workers who had his guns who were protecting him  
5 were fellows by the name of Rerun and Bus Driver,  
6 is that correct?

7 A Yes.

8 Q Where were you on Saturday, two days  
9 before the murder?

10 A Where was I Saturday, two days before  
11 the murders?

12 Q Yes.

13 A I don't know.

14 Q Where were you?

15 A Saturday two days --

16 Q Were you up say --

17 A I don't know. I can't remember. I am  
18 not sure.

19 Q Well, if the murders happened Monday  
20 morning, it doesn't matter what date it is, the  
21 day of the week was Monday morning, where were you  
22 Sunday?

23 A Washing clothes with Reuben Rainey.

24 Q So somehow or other he comes down from  
25 New York, according to you, on Friday or Saturday,

1 is that right?

2 A Yes.

3 Q And he ends up washing clothes with you?

4 A Yes.

5 Q So, might I hazard a guess that he comes  
6 down to do the laundry from New York?

7 A No, he came to protect Poppy.

8 Q Now, the story is that he comes down  
9 from New York to protect Poppy?

10 A Yes.

11 Q You never told anybody that before, did  
12 you?

13 A Excuse me?

14 Q I said you never told anybody that  
15 before, did you?

16 A I don't know. I could have, yes.

17 Q I'm sure you could --

18 A Everyone knows that he came down to  
19 protect Poppy.

20 Q Well, July 31st you speak to the police,  
21 you don't say that, do you?

22 A Excuse me?

23 Q I said July 31st, 1986, you speak to the  
24 police, you don't say that at all, do you?

25 A Do I say that when I talked to the

1 police?

2 Q Yes.

3 A No, I did not. I don't think so.

4 Q When you spoke with the police?

5 A I'm not sure.

6 Q You can look at it if you want.

7 A Let me see.

8 MR. BRAVE: I object to the question.

9 There's a foundation question that should be asked  
10 before that question becomes relevant.

11 THE COURT: It's cross examination.

12 I'll overrule the objection.

13 Q Have you looked at your statement?

14 A Yes. What do you want me to see  
15 exactly? I don't --

16 Q I asked you a question. Do you remember  
17 what the question was?

18 A No, I do not.

19 Q Well, if I told you that you have never  
20 told anybody before that story, would that make  
21 sense to you?

22 A I never told anybody what story?

23 Q That Poppy imported from New York Mr.  
24 Rainey here for protection?

25 A Yes, he did import.

1           Q     You didn't tell that to Detective  
2     Requer, did you?

3           A     No, because they never asked me why is  
4     he here.

5           Q     In other words, we don't get the truth  
6     until we ask you exactly the right questions, is  
7     that right?

8           A     Excuse me?

9           Q     Never mind. Of course, we don't get the  
10    truth. He comes down here for protection, is that  
11    right?

12          A     Yes.

13          Q     Rerun, Bus Driver, all the other male  
14    employees of Poppy are not providing sufficient  
15    protection for Poppy?

16          A     No, he said they was messing up. Reuben  
17    was -- one guy stole some money from Robin  
18    Robinson's house that he was supposed to come down  
19    and protect Poppy from.

20          Q     Let's get into that. First of all, this  
21    is all new unchartered territory. So you are  
22    saying somehow or the other these other employees  
23    of Poppy's were screwing up?

24          A     Yes.

25          Q     Which means they weren't doing whatever

1       they were hired to do with the guns that --

2           A       They was using the drugs. No, they was  
3       using up the drugs and spending the money.

4           Q       And that according to Poppy's operation  
5       was a screw-up, right?

6           A       Yes.

7           Q       You said somebody stole some money, is  
8       that right?

9           A       Yes.

10          Q       Who was that somebody?

11          A       The money was over at Robin Robinson's  
12       house and somebody whose named Ricardo, you know,  
13       something, Raimundo, some foreign name, took the  
14       money from Robin's house.

15          Q       Now, is Raimundo or Ricardo, whatever  
16       name you come up with? Is he a worker for Poppy?

17          A       No, Poppy don't know him.

18          Q       Poppy doesn't know him?

19          A       No.

20          Q       So he comes out of the blue and steals  
21       the money, is that right?

22          A       Yes, it was Robin's friend.

23          Q       Robin's friend?

24          A       Robin Robinson's friend.

25          Q       Not Robert Robinson, Robin Robinson's

1 friend, Robin Robinson's friend, Raimundo, Ricardo  
2 takes how much money?

3 A Thirty-two thousand.

4 Q Thirty-two thousand dollars?

5 A Yes, it was for his Winnebago.

6 Q It was for what?

7 A For his Winnebago.

8 Q Poppy was going camping?

9 A I don't know what he was going to do.

10 Q So, when was this money taken?

11 A I'm not exactly sure.

12 Q How much before June 2, 1986?

13 A I'm not sure.

14 Q Was it a day, a week, a month, a year, a  
15 decade?

16 A I'm not sure.

17 Q So, somehow or the other that's the  
18 reason for Reuben Rainey to come down to  
19 Baltimore?

20 A Yes.

21 Q When he gets down to Baltimore, he is to  
22 find Ricardo, Raimundo who is Robin's friend and  
23 he's to do something about thirty-two thousand  
24 dollars, is that correct?

25 A No, I don't know what was going to

1       happen.   They don't discuss that with me.   I  
2       didn't know what was going to happen at all.

3           Q       In any case he ends up doing laundry?

4           A       Yes.

5           Q       So he's doing laundry.   Whose laundry is  
6       this that he's doing after he comes down as  
7       protection from New York City?

8           A       Reuben has his own laundry.

9           Q       His own laundry?

10          A       Yes.

11          Q       How much laundry did he have?

12          A       He had a whole big green trash bag full.

13          Q       Well, when he came down on the train,  
14       are you saying he brought a trash bag with him?

15          A       No.

16          Q       Well, did he go to the store and buy  
17       clothes to put in the trash bag that needed to be  
18       washed?

19          A       No, Reuben Rainey went back up to New  
20       York.   After he came down here with me on the  
21       train, he went back up to see his parole officer  
22       and his children and his daughter's mother,  
23       whatever, his children's mother.   Then he came  
24       back down, he had the trash bag of clothes with  
25       him.   That's how we got to wash the clothes that



1 Sunday.

2 Q So this all happens -- he comes down on  
3 Friday, goes back up on Saturday to get a trash  
4 bag of close so he can do them on Sunday?

5 A Reuben Rainey was here for two weeks,  
6 about a week or two, before he went back up to New  
7 York to see his parole officer.

8 Q I see. So somehow or the other it is  
9 your theory that he's travelling up and down  
10 because he is here for the protection of Poppy but  
11 then he's going up and back to New York to bring  
12 laundry down here to do laundry?

13 A Yes, because he was staying for awhile.

14 Q He wasn't staying with you, was he?

15 A No.

16 Q But somehow or the other you are doing  
17 his laundry?

18 A I'm not doing his laundry. I was  
19 helping him. I was watching him, keeping his  
20 company while he do his laundry.

21 Q When is it that you are in his company  
22 then if it is not Sunday?

23 A Excuse me?

24 Q If we pass Saturday, if it is no longer  
25 Saturday -- you don't remember what you were doing

1       Saturday, right?

2           A       No.

3           Q       And you don't remember when you and  
4       Reuben Rainey, according to what you have told us,  
5       went and took Leroy Boyce over to Robin Robinson's  
6       house on Greenmount Avenue, you don't remember  
7       what day that was, do you?

8           A       I'm not sure. I think it was a Friday.

9           Q       So, between Friday and Sunday, this  
10       Saturday, you have no idea what you did then?

11          A       No, I was getting high. I always got  
12       high.

13          Q       Who were you with? Were you with Mr.  
14       Rainey?

15          A       Yes, because Poppy asked me to show him  
16       around town, the parts of downtown that he don't  
17       know, travel from destination to destination.

18          Q       So you are the tour guide and the one  
19       who has the car?

20          A       No, he has the car. He's driving.

21          Q       He's driving and you are showing him the  
22       various locations?

23          A       Yes.

24          Q       You are the person who doesn't even know  
25       how to get to Deborah Veney's house?

1           A       No, but I know east from west and west  
2       from south. I don't know exactly where she  
3       lived. No, I didn't.

4           Q       Where are some of the places you went to  
5       on this tour?

6           A       Excuse me?

7           Q       Where are some of the places you went to  
8       in this car?

9           A       To Denise Coleman's house.

10          Q       Which is Manchester Avenue. Why would  
11       you take him to Manchester Avenue?

12          A       We went over to Poppy's -- we went to  
13       Denise Coleman's house to get his laundry so we  
14       can wash it down Nellie Chew's house.

15          Q       All right. Well, let me stop you for a  
16       minute. You are giving him a tour. Obviously,  
17       you are not giving him a tour of Manchester Avenue  
18       because you say he's already got his clothes  
19       there?

20          A       Excuse me?

21          Q       Right? Where were you taking him other  
22       than Manchester Avenue?

23          A       On Fayette Street.

24          Q       Who is over at Fayette Street?

25          A       Nellie Chew's house.

1 Q What else were you doing?

2 A Washing clothes down the street from

3 where she lived at.

4 Q You said you took a tour of the east

5 side, west side. Where else?

6 A I said I know the destinations from east

7 to west. I don't know where Deborah Veney lived

8 at.

9 Q Where did you take him?

10 A I took him over from the east side to

11 the west side.

12 Q Where?

13 A Over to the east side.

14 Q From the east side to the west side?

15 A Over to Denise Coleman's. From Denise

16 Coleman's house we went down to Fayette Street.

17 Q That's it?

18 A Yes, and we started washing, started

19 washing his clothes.

20 Q Is this Saturday or Sunday?

21 A It's Sunday.

22 Q And how long does it take you to wash

23 one trash bag full of clothes?

24 A I don't know. It took us quite some

25 time. I don't know how much time.

1 Q Did it take half an hour?

2 A No.

3 Q Forty-five minutes?

4 A No, longer than that. Half the day.

5 Q Half the day?

6 A Yes, only had two washing machines and

7 two dryers.

8 Q So you started out at what time in the

9 morning on Saturday -- Sunday?

10 A I'm not sure what time I started out.

11 Q Was he in your company ever since Friday

12 until Monday? Is that what you are telling us?

13 A He wasn't only in my company. Everyone

14 else was around. Yeah, I seen him in my company

15 yes. My company, too.

16 Q So basically from Friday to Monday he's

17 in your company along with others, but he's always

18 with you?

19 A No, he wasn't always with me. No.

20 Q Well, then who else was he with? Where

21 was he? When was it that you and he were not

22 together?

23 A When were he and me not together?

24 Q Yes.

25 A We was always around each other because

1 everyone sticks around each other. We was never  
2 -- unless I went to bathroom or something, to the  
3 store or something like that, we wasn't around  
4 each other, but other than that we was around each  
5 other.

6 Q There was cocaine at Manchester Avenue,  
7 wasn't there?

8 A Yes.

9 Q And you had taken him over to Deborah  
10 Veney's house or Nellie Chew's house, which --

11 A Excuse me.

12 Q Which house did you take him over to?

13 A What house did I take him over to?

14 Q Yes.

15 A What do you mean? What time?

16 Q You said you went from Manchester Avenue  
17 to a house on Fayette Street. Whose house?

18 A Yes.

19 Q Nellie Chew's house?

20 A Nellie Chew's house.

21 Q That's Nellie Chew's house, right?

22 A Yes.

23 Q That's the only place you took him and  
24 sometime approximately after midnight or maybe  
25 about 2 a.m. in the morning you have to go over to

1 Deborah Veney's house to get some cocaine, is that  
2 correct?

3 A No, we went to Nellie Chew's house  
4 first.

5 Q I thought you were over at Nellie Chew's  
6 house?

7 A After we finished washing clothes, we  
8 went to Nellie Chew's house to ask Nellie did she  
9 have any cocaine.

10 Q This is what, 2 a.m. in the morning?

11 A Yes, something like that. I'm not sure  
12 of time.

13 Q So you finally finished the laundry at 2  
14 o'clock in the morning and you are ready to party  
15 because it's been twenty-four hours?

16 A No, I was tired.

17 Q Washing?

18 A I was tired.

19 Q You are tired. So you go over so you  
20 can get some drugs?

21 A Excuse me?

22 Q You are tired so you go over to Nellie  
23 Chew's house to get some drugs?

24 A I didn't want anymore myself.

25 Q Then who wanted some?

1           A     Reuben Rainey.

2           Q     Had he been using them?

3           A     During that day?

4           Q     Yes?

5           A     I don't know exactly.

6           Q     You are with him and you are saying that

7     you don't know whether he's using it but you are?

8           A     Yes, I was sniffing. He smokes.

9           Q     So did you see him smoke any that day?

10          A     I'm not sure.

11          Q     Anyhow, somehow or the other he gets a

12     smoking fit and decides at 2 a.m. he's got to get

13     some cocaine, is that right?

14          A     Yes.

15          Q     All right. So then what you do is

16     instead of going to Poppy, who is the source of

17     supply for everybody, who has got a big old rock

18     of cocaine, you end up at Nellie Chew's house, is

19     that correct?

20          A     Yes.

21          Q     Nellie Chew -- this is 2 o'clock in the

22     morning?

23          A     Yes, I guess so. Yes.

24          Q     What's Nellie Chew doing?

25          A     She was lying in bed.



1 Q She was in bed sleeping, is that right?

2 A No, she wasn't sleeping yet. She was at

3 the door.

4 Q Did she have her night clothes on?

5 A No, she had on shorts and a T-shirt.

6 Q How did you wake her up or how did you

7 get her up, or how did you get her attention?

8 A I'm not sure how we got -- I think we

9 beeped the horn and knocked on the door. Hollered

10 her name.

11 Q She comes out of the house?

12 A No, we went in the house.

13 Q So somehow or another you get in the

14 house, right?

15 A Yes.

16 Q And at this time you say Nellie I need

17 some drugs or I need some cocaine?

18 A Yes; do you have any.

19 Q Nellie says I don't have any. Of

20 course, Poppy, who is over on Greenmount Avenue,

21 has a rock of it?

22 A Yes.

23 Q You don't bother to --

24 A He was sick.

25 Q He was sick. So you called?

1           A       Yes.

2           Q       Couldn't get in touch with him?

3           A       Yes.

4           Q       So what do you do, you call over to

5           Manchester Avenue. Now, supposedly you had just

6           been over at Manchester Avenue before going over

7           to Nellie Chew's house, right, to do the laundry?

8           A       No, we just came -- Okay, when we left

9           from the laundry, we did not go back over

10          Manchester. We went to Nellie Chew's house.

11          Q       Am I correct or incorrect, you are

12          saying that the laundry is not in Nellie Chew's

13          house?

14          A       Excuse me?

15          Q       Is the laundry in or not in Nellie

16          Chew's house?

17          A       It's down the street from Nellie Chew's

18          house in the laundromat.

19          Q       What prevented you from going to a

20          laundromat at or about Manchester Avenue?

21          A       Excuse me?

22          Q       Why did you have to go to Fayette Street

23          to find a laundromat to do a trash bag of clothes?

24          A       Because it's cheaper, it's cheaper.

25          Q       What are you talking about, a nickel or

1 a dime?

2 A No, like fifty cents cheaper.

3 Q Fifty cents cheaper?

4 A Yes.

5 Q That's a reason to go from Manchester

6 Avenue to Fayette Street to wash clothes, isn't

7 it?

8 A Yes.

9 Q So you are over there. Now, the drugs

10 are over at Manchester Avenue or with Poppy over

11 at Greenmount Avenue, but you end up at Nellie's

12 house asking her about drugs and she does what?

13 A Well, she say she don't have any more.

14 Q So what does she do?

15 A She called Denise Coleman.

16 Q Now, Denise Coleman is where?

17 A At Denise Coleman's. Is at her house.

18 Q Which is where?

19 A 3735 Manchester Avenue.

20 Q That's the Manchester Avenue house that

21 everybody is talking about, is that correct?

22 A Yes.

23 Q So, you call over there and she somehow

24 directs you over to Deborah Veney's house?

25 A She told Nellie Chew that she didn't

1 have any drugs, but Debbie have some.

2 Q Now, do you know how she knew that  
3 Debbie had some?

4 A Her and Debbie are kind of close with  
5 each other. They know each other.

6 Q So you took it on her word, or did you  
7 go over?

8 A Deborah Veney's house, no. Nellie Chew  
9 called over to Deborah Veney's house after Nisi  
10 gave her the name.

11 Q So let me get this straight. Did you  
12 call over to Denise Coleman's?

13 A No, I did not.

14 Q So it is Nellie Chew who called over to  
15 Denise Coleman?

16 A Yes.

17 Q Did you hear Denise Coleman?

18 A No, I didn't.

19 Q Were you able to tell who was on the  
20 other line by what Nellie Chew was saying or not  
21 saying into the telephone?

22 A Yes, she said Denise.

23 Q Denise. Denise would be Denise Coleman?

24 A Right.

25 Q Then you hear Deborah Veney -- then,

1       excuse me, Nellie Chew then calls over to Deborah  
2       Veney's house?

3             A       Yes.

4             Q       Now, did you hear Deborah Veney on the  
5       other end of the phone?

6             A       No.

7             Q       You weren't able to hear anybody on the  
8       other end of the phone?

9             A       No.

10            Q       Isn't this a speaker phone in this case?

11            A       Yes, but she didn't have it on.

12            Q       So she didn't have it on?

13            A       No.

14            Q       She says that she is speaking to Deborah  
15       Veney?

16            A       Yes.

17            Q       Does she say California Debbie? Is that  
18       her nickname?

19            A       No, she said Deb.

20            Q       Deb?

21            A       Deb.

22            Q       Then she says she's got drugs, come on,  
23       let's go, is that right?

24            A       Yeah.

25            Q       Now, you didn't want the drugs?

1           A     No, I was tired.

2           Q     Nellie Chew didn't want the drugs?

3           A     I think she did.

4           Q     You think she did?

5           A     I think. I'm not sure who put the

6 money.

7           Q     Who was the one who comes up with all

8 the money? It is obviously LeRoy Boyce who gives

9 everybody money, isn't that true?

10          A     Yes.

11          Q     Any money that is being transacted is

12 really LeRoy Boyce's, isn't that true?

13          A     Yes, uh-huh.

14          Q     Then you, who have been to Deborah

15 Veney's house before -- haven't you?

16          A     Yes.

17          Q     And you know where it is, don't you?

18          A     No, I don't exactly know.

19          Q     It's not that far from Manchester

20 Avenue, is it?

21          A     No, it is not.

22          Q     So somehow or the other you have to not

23 drive over there and instead Nellie Chew has to

24 get in the car, is that correct?

25          A     Right.

1 Q That's the story?

2 A Uh-huh.

3 Q So then Nellie Chew is the one who

4 drives over there, you are the passenger, Reuben

5 Rainey is the passenger.

6 Now, have you seen this gun so far?

7 A No.

8 Q You don't know where the gun is?

9 A No.

10 Q You haven't seen it?

11 A No.

12 Q What is everybody wearing? Is there a

13 leather garment?

14 A No.

15 Q You don't remember what anybody is

16 wearing?

17 A No, I don't. Not exactly.

18 Q Anybody carrying anything?

19 A Reuben -- Rudy had a bag.

20 Q Well, what bag did he have?

21 A I don't know, some duffle bag, like it

22 was a small duffle bag.

23 Q Okay. So he's got a small duffle bag.

24 Let me ask you a question, give it some thought if

25 you want to. What happens to the green trash bag

1 with all the clothes?

2 A I think he left them in the trunk of the  
3 car, I'm not sure.

4 Q Well, you are with him in the car,  
5 aren't you?

6 A Yes.

7 Q And you are right there at all times,  
8 aren't you?

9 A Yes, but I went into the house. When he  
10 was finished washing his clothes or whatever I  
11 wasn't in the downstairs, in the basement  
12 apartment where the laundry room was. I don't  
13 know what he did with his clothes, if he put them  
14 in Nellie's house or what. I don't know exactly.  
15 I'm not sure.

16 Q In any case, somehow or the other the  
17 items wind up in a duffle bag. What was in the  
18 duffle bag, more clothes?

19 A I don't know.

20 Q Huh?

21 A I don't know what was in the duffle bag.

22 Q Any clothes taken out of the duffle bag  
23 and put into the laundry, the washing machine?

24 A I don't believe so.

25 Q Was the wash from the dryer taken out



1       and put in the duffle bag?

2           A       I don't know.

3           Q       Where did the duffle bag come from?

4           A       I don't know.

5           Q       You heard about a green trash bag but

6       you don't know where that came from?

7           A       No, I don't know where the duffle bag

8       came from.

9           Q       So you get over to 4711 Navarro Road?

10          A       Yes.

11          Q       Is that right?

12          A       Yes.

13          Q       You recognize it? You have been there

14       before so you go on in?

15          A       Yes.

16          Q       You knock on the door. You say hi, this

17       is Joanne?

18          A       Yes.

19          Q       Then in you go?

20          A       Uh-huh.

21          Q       You go into the kitchen?

22          A       Yes.

23          Q       Peaches is there whom you know, don't

24       you?

25          A       Yes, I met her once before.

1           Q     Well, according to you, you said later  
2 when you went to Poppy's house --

3           A     Excuse me?

4           Q     According to you in your testimony  
5 earlier, when Mr. Brave was asking you questions,  
6 you said that when you got to Poppy's house after  
7 the murders, you told Poppy something like this  
8 crazy nigger just killed Peaches and Debbie, isn't  
9 that what you said?

10          A     Yes, we was talking about that then,  
11 yes.

12          Q     So, Peaches and Debbie, everybody knows  
13 who we are talking about, is that right?

14          A     Yes.

15          Q     So you got that. So you are inside the  
16 house. Peaches and Debbie are there. Now, Debbie  
17 is going to be the dealer? It is not going to be  
18 Peaches, is it?

19          A     No.

20          Q     Debbie then comes up with what, cocaine?

21          A     Yes.

22          Q     Why, did somebody ask her for it?

23          A     Yes.

24          Q     Who asked her for it?

25          A     Reuben Rainey, Nellie Chew, and Reuben

1 Rainey wanted to buy the cocaine.

2 Q Who is talking?

3 A I don't know. I think Nellie was

4 talking.

5 Q Nellie Chew is talking?

6 A Yes.

7 Q Deborah Veney -- who has got the money?

8 A I don't know.

9 Q Well, how about Nellie Chew, does she

10 have the money? Is she the one --

11 A I don't know.

12 Q -- who gives the money to Deborah Veney?

13 A No. I don't know. It was sitting on

14 the table.

15 Q Where did it come from?

16 A I don't know.

17 Q It just didn't come out of the air?

18 A I don't know. I wasn't paying attention

19 to the money exactly.

20 Q How much money was on the table? You

21 were there.

22 A Excuse me?

23 Q How much money was on the table?

24 A I didn't count it, I don't know.

25 Q When this lady, Deborah Veney, measures

1 out, what does she use? Some sort of measuring  
2 spoon?

3 A Yes, one eighth of a spoon.

4 Q When she measures this out, is everybody  
5 satisfied that it is a fair measure?

6 A Yes.

7 Q She then puts it into some sort of  
8 container, is that right?

9 A I don't know.

10 Q How do you cook up cocaine?

11 A You put baking soda and water into a  
12 test tube.

13 Q So, this cocaine is put into the test  
14 tube, is that correct?

15 A Yes.

16 Q And the person who then puts the water  
17 in it is whom?

18 A Nellie Chew.

19 Q So Nellie Chew is the one who is cooking  
20 it up, is that correct?

21 A Yes.

22 Q So nobody is dissatisfied with the  
23 measure that Deborah Veney makes of the cocaine,  
24 and then Nellie Chew rather than Deborah Veney is  
25 the one who is -- the one who cooks it, isn't that

1 true?

2 A Who cooked it? Say that again.

3 Q Nellie Chew?

4 A Yes.

5 Q Then after that, everybody is  
6 dissatisfied, true or not?

7 A No. I don't know who was dissatisfied  
8 at first, okay. Nellie said look at this, Rudy,  
9 this ain't right.

10 Q Nellie is the one who is saying it's not  
11 right, is that right?

12 A Yeah, she was looking, saying this ain't  
13 right and he said it ain't even come back as a  
14 fifty.

15 Q Now, where is the seventy-five dollars  
16 right at that point?

17 A I don't know.

18 Q Well, certainly Deborah Veney is still  
19 there, isn't she?

20 A Yes, she is standing right there.

21 Q You haven't moved. Nellie hasn't  
22 moved. Mr. Rainey hasn't moved. Who else are you  
23 saying is there? Peaches hasn't moved. Everybody  
24 is still there, right?

25 A Yes, when the cocaine was being cooked

1 up.

2 Q So the money has to be either on the  
3 table or in somebody's pocket?

4 A Yes, I seen Deborah Veney put the money  
5 her pocket.

6 Q So you saw Deborah Veney put the money  
7 in her pocket?

8 A Yes, but I don't know if it was before  
9 the cooking of the cocaine or after. I don't  
10 know.

11 Q Is that where the cocaine came from, out  
12 of her pocket?

13 A Yes.

14 Q Now, she said that she couldn't make it  
15 up further because she didn't have any more  
16 cocaine, is that what the problem was?

17 A Yes, she said she didn't have enough.

18 Q Didn't somebody ask for hundred dollars,  
19 according to you, and she only had seventy-five  
20 dollars worth?

21 A Yes.

22 Q She was empty?

23 A Yes.

24 Q She had sold her --

25 A As far as I know.

1           Q     She had sold her last amount. She was  
2     telling everybody she couldn't sell a hundred.  
3     She had to sell only seventy-five. She couldn't  
4     make up the addition because she didn't have any  
5     more?

6           A     Right.

7           Q     She's got the money right in her pocket?

8           A     Yes, I seen her put it in her pocket.

9           Q     According to you this is a dispute among  
10    Nellie Chew, Deborah Veney, Reuben Rainey, all of  
11    whom work for LeRoy Boyce who is the one who  
12    supplies the cocaine, who supplies the money, who  
13    supplies every other item in all of your  
14    existances according to you?

15          A     Yes.

16          Q     Right?

17          A     Yes.

18          Q     Now, why then does, according to you,  
19    Deborah Veney go to the stairway to go up the  
20    steps?

21          A     She went to call her cousin, Jeanette.  
22    I said to call Jeanette. That's when she went to  
23    the steps and she was calling. I was talking to  
24    Jeanette on the phone.

25          Q     All right.

1           A       Okay'. And then the conversation got  
2 louder with Reuben Rainey and Deborah.

3           Q       You are telling us that the argument  
4 basically begins by Nellie Chew saying this stuff  
5 doesn't look right, and Reuben Rainey saying this  
6 doesn't even look like a fifty and then with this  
7 argument ensuing like that, you go to Deborah  
8 Veney and say, oh, by the way, call Jeanette?

9           A       No, it was before the argument started  
10 that I was talking to Jeanette on the phone.

11          Q       Was it while the stuff was being cooked  
12 up?

13          A       Yes, something like that, yes.

14          Q       Something like that?

15          A       Yes.

16          Q       So, did you ever see Deborah Veney go  
17 upstairs?

18          A       No, I did not. I don't remember her  
19 going upstairs.

20          Q       Now, how about all this conversation  
21 about her going upstairs and getting the money or  
22 else her head is going to get blown off?

23          A       I didn't see her go upstairs. That's  
24 what -- she had, had to go upstairs if he said  
25 that on the steps, telling her to go upstairs.



1 Q You are saying he said that?

2 A Excuse me?

3 Q You are the one who is saying, saying  
4 that --

5 A He did say that, go upstairs and get the  
6 money.

7 Q -- she's got the money in her pocket?

8 A I seen her put it in her pocket. I did  
9 not see her go upstairs.

10 Q All right. Now, she's got the money in  
11 her pocket. You saw it in her pocket?

12 A Yeah, I seen her put it in her pocket  
13 and that was it.

14 Q Give me a good explanation as to why she  
15 has to go upstairs and get money.

16 MR. BRAVE: Objection, Your Honor.

17 A I don't know.

18 THE COURT: Just a minute. The question  
19 has been asked and answered. She says she doesn't  
20 know.

21 Q According to you, Reuben Rainey at the  
22 point of a gun that comes from nowhere, evidently,  
23 is ordering Deborah Veney to go upstairs and get,  
24 what is it thirty-five dollars; is that what you  
25 are saying?

1           A     Half his money back.

2           Q     Half his money. Well, see half of  
3     seventy-five is thirty-seven fifty. Is that the  
4     figures used?

5           A     No, thirty-five.

6           Q     Thirty-five dollars. So thirty-five  
7     dollars, he's demanding she go upstairs and get  
8     that even though the money is in her pocket and it  
9     is at that time he is counting, correct?

10          A     Will you --

11          Q     With this gun, wherever this gun comes  
12     from, he's counting with it, he's got the trigger  
13     -- He's got his hand on the trigger, his finger is  
14     on the trigger, and he's got the lever cocked  
15     back, is that correct?

16          A     Yes.

17          Q     And somehow or the other she starts to  
18     make a movement like she's going to get him the  
19     money or not get him the money?

20          A     You have to say the question again.

21          Q     The gun is cocked, the lever is ready to  
22     fire, according to you --

23                 MR. BRAVE: Objection, Your Honor.

24     Asked and answered.

25                 THE COURT: Approach the bench.

1 MR. BRAVE: One question at time is  
2 basically my objection.

3 MR. TAYBACK: I thought I was rephrasing  
4 the question because I was asked to do so by the  
5 witness.

6 MR. BRAVE: You want us to approach,  
7 Your Honor?

8 THE COURT: Let me see counsel for one  
9 moment.

10 MR. TAYBACK: As to the question or  
11 scheduling?

12 THE COURT: As to the question.

13 (Whereupon, counsel and the Defendant  
14 approached the bench and the following conference  
15 ensued:)

16 THE COURT: The only point I want to  
17 make is that obviously some of the comments are  
18 regarding clarification of the objections and are  
19 innocuous and create no harm, but I don't know  
20 whether they are innocuous until after I hear  
21 them. You may feel that they're not innocuous. I  
22 may not feel they're innocuous. So I'm still  
23 going to have to insist that both counsel, if you  
24 clarify an objection, even though it may not seem  
25 to make any sense to you, I'm still going to have

1 to ask you to come to the bench. Say what you  
2 have to say and not say it in front of the jury  
3 because your view of whether it is innocuous may  
4 not dovetail with my view of whether it is  
5 innocuous. That's all I want to say. We don't  
6 need to say any more about that objection.

7 MR. TAYBACK: What about the Court's  
8 scheduling?

9 THE COURT: I just called -- Off the  
10 record.

11 (Whereupon, there was an off the record  
12 discussion.)

13 (Whereupon, counsel returned to the  
14 trial table and proceedings resumed in open  
15 court.)

16 Q Miss Blunt, you had indicated to the  
17 jurors that the gun had been cocked, the trigger  
18 was ready, the lever was ready to fire, that then  
19 Deborah Veney did something that caused the  
20 trigger to be pulled back, excuse me, not to be  
21 pulled back, but for the lever to be pulled back  
22 into it's uncocked position. What occurred, what  
23 caused that?

24 A She took a couple of steps up the steps,  
25 up the step.

1 Q So she is going up the steps then?

2 A Yes.

3 Q Even though the money is in her pocket,

4 there is no reason for her to go up the steps,

5 according to you she's going up the steps?

6 A Yes.

7 Q At Mr. Rainey's suggestion?

8 A Yes.

9 Q What happens then?

10 A Then he said, if you don't go up there

11 and get it, I'm going to kill you right now.

12 Q So what happens?

13 A Then he, then he started counting. She

14 didn't move. She was fussing at him, you know,

15 mouthing off to him, saying I ain't giving you

16 nothing, I don't have nothing else. Just mouthing

17 him off.

18 Q What was she saying? Don't use the

19 mouth --

20 A I don't know exactly what she was

21 saying.

22 Q You were there, right?

23 A I don't know exactly what she was

24 saying.

25 Q You are the person who is telling us, of

1 all the people in the entire world, you were right  
2 there, you saw what was going on.

3 MR. BRAVE: Objection.

4 Q You heard what was going on?

5 A Yes, I heard most of it.

6 THE COURT: This is cross examination.  
7 Overruled.

8 Q You don't happen to hear that, is that  
9 right?

10 A No, I didn't hear it word for word.

11 Q Are you able to tell us approximately?

12 A No, just arguing, that's all.

13 Q And at this time she gets shot in the  
14 head, is that correct?

15 A No, he's demanding he is saying I'm --  
16 you going to give it to me.

17 Q She is what, two or three steps up,  
18 right?

19 A Yes.

20 Q Where is he? He's at the bottom of the  
21 steps, right?

22 A Yes.

23 Q And what does he do then?

24 A Excuse me?

25 Q What does he do then?

1           A       Then as he walks up a couple of steps,  
2       he say, you think I'm playing. Then he told Bey,  
3       Nellie Chew, to start the car, told me to watch  
4       Peaches so she won't run, so she won't move.

5           Q       So Nellie is still inside. Bey, as you  
6       you still call her, is still inside the house at  
7       that point?

8           A       Yes, Bey. Debbie down the steps. When  
9       she first started to go up the steps he yelled to  
10      her, to Nellie to start the car.

11          Q       Nellie headed out only after Debbie  
12      Veney is heading up steps, is that correct?

13          A       Yes.

14          Q       Now, when she is heading up the steps,  
15      is she walking backwards up the steps?

16          A       No, she is walking frontward up the  
17      steps.

18          Q       As a normal person would walk up the  
19      steps?

20          A       Yes.

21          Q       And then several steps up she stops.  
22      Does she turn around?

23          A       She stops and talked to us and --

24          Q       How does she talk to you, over the rail?

25          A       No, she was looking over the banister

1       like that.

2               Q       You were in the living room then, is  
3       that correct?

4               A       Yes, I was in the living room.

5               Q       So she is up the steps, going up the  
6       steps as a normal person would?

7               A       Yes.

8               Q       Then she looks over into the living room  
9       which is where you are, right?

10              A       Yes.

11              Q       Now, where is Reuben Rainey at that  
12       time?

13              A       At the bottom of the steps.

14              Q       So he is essentially to her back, is  
15       that right? Is that right?

16              A       Yes.

17              Q       Then what occurs? That's when he says  
18       to Nellie, bitch, get out of here and start the  
19       car?

20              A       He said go start the car, yes.

21              Q       Go start the car. Well, take away  
22       whatever I said that wasn't correct then.

23                      So she gets out of the house and starts  
24       the car?

25              A       Yes.



1           Q     And you are right there, is that  
2 correct?

3           A     Yes, I was in the living room.

4           Q     And Deborah Veney is still talking to  
5 you?

6           A     No, Debbie was talking to Peaches.  
7 Peaches was telling Debbie, girl, live, give him  
8 the money. Give him --

9           Q     Is Peaches in a chair in the living room  
10 seated?

11          A     Yes, yes.

12          Q     So again Deborah Veney then is up the  
13 steps leaning, not leaning, looking to her side,  
14 looking over the banister down to the people who  
15 are in the living room?

16          A     Yes, she was talking to Peaches.

17          Q     That's where we are. Now, what occurs  
18 next, step by step?

19          A     Step by step, he said, if you don't get  
20 Up them steps, I'm going to kill you now, bitch.  
21 And then he -- Then she wouldn't move and then  
22 that's when he said I'm going to count to three.

23          Q     Go ahead.

24          A     One, two, then by the third I heard a  
25 pow. That's when I was running out the door

1       because I was by the door anyway.

2               Q       So you have Deborah Veney at least  
3       several steps up the steps, isn't that true?

4               A       Yes.

5               Q       You have her with her back to Reuben  
6       Rainey, isn't that true?

7               A       Yes, that's what I seen, yes.

8               Q       Now, it's at this point that you head on  
9       out the door?

10              A       Yes, when the gun went off.

11              Q       And you then, according to your  
12       statement, run down the front walk which is a  
13       fairly short walk, right?

14              A       It's not a short walk but it's a  
15       distance.

16              Q       Would you be able to estimate it in this  
17       room here?

18              A       Yes.

19              Q       All right.

20              A       From the door to about right here is the  
21       path walk.

22              Q       Approximately where you are seated?

23              A       Behind me.

24              Q       To the jury, to the door that is right  
25       behind the jury then?

1           A     Yes.

2           MR. TAYBACK: Does the Court have any  
3 understanding of distances in this courtroom?  
4 That would be thirty feet?

5           THE COURT: That would be about  
6 approximately thirty feet. A little less.

7           Q     Approximately thirty feet, is that fair  
8 to you?

9           A     Yes.

10          Q     Are you running? I guess you are  
11 running. You are not strolling?

12          A     Yes, I was running.

13          Q     So are you running as hard as you can?

14          A     No.

15          Q     Just half running?

16          A     Yeah, I was just running out the door.

17          Q     So you are out the door half running  
18 down the thirty foot front walk, you get to the  
19 sidewalk, then you head up the sidewalk half  
20 running I guess, right?

21          A     No, I was -- I ran off the pavement and  
22 ran in back of the car. When I heard the second  
23 shot, I ran past the car toward the front of it  
24 going towards that way.

25          Q     You are going from the back of the car

1 to the front of the car?

2 A Yes, the car was, the front of the car  
3 was faced this way and the back was this way. I  
4 ran this way around the car.

5 Q Circled the car?

6 A Yes.

7 Q You were in the process of circling the  
8 car?

9 A I was ready to run away from the car. I  
10 was just going to run.

11 Q That's what you are doing. Now, you  
12 hear a second shot then, is that right?

13 A Yes.

14 Q Then you are still at the car, is that  
15 correct?

16 A Yes.

17 Q Then you say that Reuben Rainey says to  
18 you something like get in the car?

19 A Yeah, he say get in the fucking car,  
20 bitch.

21 Q Get in the fucking car, bitch, that's  
22 you?

23 A Yes.

24 Q That's addressing you, right?

25 A Yes.

1 Q And you are still at the car, right?

2 A No, that's when I ran back to the car

3 when he was running out. When I heard the second

4 shot, I ran past. I ran from the car. I ran away

5 from the car completely.

6 Q How far away did you run?

7 A I don't know exactly how far. I can't

8 estimate.

9 Q Couple of feet --

10 A Yes.

11 Q -- sound about right?

12 A Yes, yes.

13 Q So we are talking at the most what,

14 seconds for this whole thing to transpire?

15 A Yes.

16 Q From the first shot until you are into

17 the car is what, a couple of seconds?

18 A About three to four seconds.

19 Q Three to four seconds?

20 A Yes, for the second shot.

21 Q Now, when you see Reuben Rainey running

22 out -- I assume he's running too, isn't he? Isn't

23 that what you said?

24 A I'm not sure if he was running or not.

25 Q Well, when you see him, he's where, he's

1 on the sidewalk, he's in the car?

2 A He was on the sidewalk.

3 Q So he's on the sidewalk. You see him at  
4 that point now?

5 A Yes.

6 Q What does he have in his hands?

7 A I didn't see his hands. I don't  
8 remember his hands, what he had in his hands.

9 Q Did he have a gun in his hands?

10 A I didn't see the gun in his hand when he  
11 came out the door because I wasn't looking and I  
12 ran past the car. I didn't even turn around to  
13 even look.

14 Q Did he have money in his hands?

15 A I don't know.

16 Q Did he have cocaine in his hands?

17 A I don't know.

18 Q Did he get in the car? Is that right?

19 A Yes, on the driver's side.

20 Q So you are on the driver's side. Nellie  
21 is on the driver's side. Everybody is on the  
22 driver's side, right?

23 A No.

24 Q You are driving down the road?

25 Everybody is driving, is that right?

1           A       No, Reuben Rainey was in the front  
2 passenger seat.

3           Q       So Reuben Rainey is in the front  
4 passenger seat?

5           A       Yes.

6           Q       You are sitting in the driver's seat and  
7 Nellie, she is in the luggage rack probably?

8           A       Nellie, what you say about Nellie?

9           Q       I'll strike that question. So, anyhow,  
10 you are all in the car. You are all driving  
11 along, somehow or another you decide to shift  
12 positions somewhere, is that correct?

13          A       Yes, he say when we get round the  
14 corner, he say you get out the car and get a round  
15 front, in the front seat of the car.

16          Q       Now, he's in the front seat of the car?

17          A       He got in the back seat.

18          Q       So he gets in the back seat?

19          A       Yes.

20          Q       Is it four door or two door?

21          A       It is four door.

22          Q       Somehow or the other everybody gets out  
23 of the front seat. So he's in the back seat. You  
24 are in the front passenger seat and Nellie Chew is  
25 still where she should be, which is the driver?

1           A       Yes.

2           Q       Now, am I correct or am I incorrect, you  
3 tell the ladies and gentlemen of the jury that  
4 somehow or the other even though you are scared to  
5 death, you are the one who has the gun?

6           A       Yes, yeah, he made me hold it. He took  
7 the bullets.

8           Q       He made you hold the gun?

9           A       Yes.

10          Q       So you are the one holding the gun in  
11 the car?

12          A       Yes, it was between my legs, with my  
13 legs on top of it.

14          Q       What did you do with the gun after you  
15 are holding the gun in the car?

16          A       What did I do with it? I told him take  
17 his gun. We was getting ready to go see Poppy.  
18 When we got out, I said here take that, and he  
19 took it and he put it in that bag that he was  
20 carrying.

21          Q       The duffle bag?

22          A       Yes.

23          Q       You saw him put it in the duffle bag?

24          A       Yes.

25          Q       So you are saying that you had the gun



1 but you gave it back to him before you got to  
2 Poppy's retreat?

3 A When we got out the car, that's when he  
4 got his gun.

5 Q Now, he takes it and he puts it in the  
6 duffle bag, is that correct?

7 A Yes.

8 Q At this time, according to you, he's  
9 been asking you whether he's covered with brains?

10 A Yes.

11 Q And you have done what, nothing? You  
12 said you slunk into the seat and held the gun  
13 between your legs?

14 A Yes, yes.

15 Q What happened?

16 A I was sunk into the seat first before he  
17 gave me the gun.

18 Q So, what happens next? Does everybody  
19 get out of the car?

20 A Yes.

21 Q Now, Reuben Rainey is what, covered with  
22 blood and brains, according to you?

23 A No, he has -- he said he had brains up  
24 in his head and he said, says is there any; I say,  
25 I'm not looking at you. Then I look and then I

1 say, yeah, it's in your head, and he took his  
2 T-shirt off and wiped it. I don't know what he  
3 did with the T-shirt.

4 Q What sort of T-shirt did he have?

5 A He had on like a fruit of the loom  
6 T-shirt with a sleeveless under it.

7 Q Well, are you indicating a tank top type  
8 of thing?

9 A Yes, under the T-shirt, yes.

10 Q You are saying he had two T-shirts on?

11 A Yes, one with -- had something on it I'm  
12 not sure what had on it.

13 Q Writing or something?

14 A Yeah.

15 Q What color was it?

16 A White. Both of them was white.

17 Q Both the shirts were white?

18 A Yes.

19 Q Were they covered with blood?

20 A No, they wasn't covered with blood.

21 Q Did they have any blood on them?

22 A The white shirt on top.

23 Q Had blood on it?

24 A Yes, because he wiped his head on it.

25 Q This is his outer T-shirt?

1           A     Yes.

2           Q     He wiped his head?

3           A     Yes.

4           Q     So this is a T-shirt that he could wear,  
5 is that right?

6           A     Excuse me?

7           Q     This is not real little T-shirt?

8           A     No, it's a big enough T-shirt. He can  
9 fit it.

10          Q     It's a normal person's T-shirt, is that  
11 right?

12          A     Yes.

13          Q     What else? Did he wipe himself anywhere  
14 else with any other garments?

15          A     No, I don't know. He said he had some  
16 blood on his tennis.

17          Q     Did you see him wipe his tennis shoes?

18          A     No, I didn't see him wipe his tennis.  
19 He was still in the back seat of the car. I was  
20 in the front.

21          Q     What did he do with his garment that he  
22 used to collect the blood and the brains?

23          A     I don't know.

24          Q     It's Denise Coleman's car that is rented  
25 for Leroy Boyce, is that correct?

1           A     Yes.

2           Q     It's part of Leroy Boyce's operation.

3           He's the one who has the car. Anything in the car

4           would be, if it is left there, in his possession,

5           is that right?

6           A     Yes.

7           Q     Did you see Reuben Rainey leave the

8           T-shirt?

9           A     No, I did not.

10          Q     Did you see him take it into --

11          A     No, I did not. I don't know what he did

12          with the T-shirt to be exact.

13          Q     You get inside the house then, is that

14          correct?

15          A     Yes.

16          Q     And who let you in, Robin Robinson?

17          A     Yes.

18          Q     Who is the girlfriend of Leroy Boyce?

19          A     Yes.

20          Q     She's the one from whom thirty-two

21          thousand dollars is stolen by another friend of

22          hers?

23          A     Yes.

24          Q     And so Poppy is upstairs and, of course,

25          Poppy is probably sleeping, is that right?

1           A     Yes.

2           Q     So Poppy is sleeping and you have to  
3 wake him up because he's in such an ill state?

4           A     Yes.

5           Q     And when he wakes up he's horrified that  
6 Peaches and Debbie are murdered, is that true?

7           A     He said, why did you do that, why did  
8 you do that.

9           Q     And that's it?

10          A     Yeah. He said, man, you shouldn't a did  
11 that.

12          Q     So after that, what does he do?

13          A     He fell back to sleep.

14          Q     Fell back to sleep?

15          A     Yes.

16          Q     So, now, you are the one who is  
17 essentially claiming that Reuben Rainey is crazy,  
18 is that true?

19          A     Yes.

20          Q     Aren't you claiming that at that time,  
21 aren't you and Bey claiming that at that time?

22          A     I said, yeah, said he's crazy. Then he  
23 was joking to Poppy about -- saying something  
24 about me, I beat the bullet out the gun and I'm  
25 stupid.

1           Q     And so Poppy, who knows nothing about  
2 this, who has Deborah Veney as one of his  
3 employees, who evidently is a fairly good  
4 employee, I suppose, and she gets --

5           MR. BRAVE:  Objection, Your Honor.  Same  
6 one as before.

7           MR. TAYBACK:  I'll withdraw that.

8           THE COURT:  Sustain the objection.

9           Q     Deborah Veney gets killed along with  
10 Peaches who everybody seems to know and he goes  
11 back to sleep after they joke about it?

12          A     No, he, Poppy didn't joke about it.  
13 Reuben Rainey joked about it.  Poppy was under  
14 medication.  He was very sleepy.  He was tired.  
15 That's why he told us just to cool out until later  
16 on that morning when we went over to Denise  
17 Coleman's house, all four of us.

18          Q     Everybody went together to Denise  
19 Coleman's house?

20          A     Yes.  Not Robin Robinson.

21          Q     That would be then you?

22          A     Yes.

23          Q     Nellie Chew?

24          A     Yes.

25          Q     Reuben Rainey?

1           A     Yes.

2           Q     And LeRoy Boyce?

3           A     Yes.

4           Q     You all go together to?

5           A     3735 Manchester.

6           Q     So that what could be done?

7           A     Excuse me?

8           Q     So that what could be done?

9           A     Nothing. We didn't have nothing to do.

10          Just going to eat.

11          Q     You had the drugs, didn't you?

12          A     Okay, yeah.

13          Q     And, as a matter of fact, that is when

14          Nellie Chew fairly soon thereafter rents a place

15          over at one of the local motels or hotels for

16          Leroy Boyce and his operation and be there for a

17          couple of days, isn't that true?

18          A     Yes. I'm not sure of that.

19          Q     So that's the extent of that. Let's go

20          on a little bit further.

21                 You have got the gun which is Poppy's

22          gun, which is now a murder weapon.

23                 MR. BRAVE: Objection, Your Honor. Same

24          objection.

25                 THE COURT: Sustained.

1           Q     Well, you have got the gun which is now  
2 a murder weapon. What happens to it?

3           A     Excuse me?

4           Q     What happens to the gun? What do you  
5 see happen with the gun?

6           A     I seen Reuben -- I told Reuben Rainey to  
7 take the gun and then he took the gun and put it  
8 in his bag.

9           Q     All right. So what happens next?

10          A     I don't know. What do you mean? We  
11 went over to Poppy's -- we went over to Robin's  
12 house to see him.

13          Q     Was the gun put back into the arsenal of  
14 weapons?

15          A     No, Reuben Rainey had the gun. I don't  
16 know what happened to the gun afterwards, you  
17 know. That day I don't know what happened to the  
18 gun.

19          Q     What happened to the bullets then?

20          A     I don't know.

21          Q     Did the bullets end up back at Nellie  
22 Chew's in the arsenal of bullets that was in her  
23 kitchen?

24          A     I don't know.

25               MR. BRAVE: Objection.



1 THE COURT: Sustained.

2 Q June 19th, 1986 you are aware that  
3 everybody gets arrested, aren't you?

4 A Yes.

5 Q Everybody gets arrested because of Leroy  
6 Boyce's drug operation being busted at 862 West  
7 Fayette Street, isn't that true?

8 A Yes.

9 Q And who is the one who screwed up so  
10 that this operation got busted on that day?

11 A My sister Deborah Blunt.

12 Q And who else?

13 A Reuben Rainey.

14 Q And so they are essentially the people  
15 who have really screwed up this operation and --

16 A Yes.

17 Q -- leads to its demise, is that true?

18 A Yes.

19 Q And led to everybody getting arrested,  
20 isn't that right?

21 A Yes.

22 Q They are expendable, aren't they?

23 A Excuse me?

24 Q They are expenable?

25 A What do you mean by that?

1           Q     They're no longer good members of the  
2     this society of yours, the Leroy Boyce drug  
3     organization?

4           A     No.

5           Q     When was it that LeRoy Boyce discussed  
6     with you the events that we have here today, the  
7     murders on June 2, 1986? He certainly has  
8     discussed those with you while he's been  
9     incarcerated?

10          A     LeRoy Boyce, we don't discuss this  
11     murder. He just told me that they was going to  
12     charge him for the drugs. That's all. He was --  
13     told me two weeks -- he called me two weeks ago.

14          Q     Two weeks ago he said he's just getting  
15     charged with the drugs?

16          A     Yes.

17          Q     Because he's made his deal with the  
18     State's Attorney so he doesn't get charged with  
19     the murders?

20          A     I don't know, I don't know.

21          Q     You know as well I do. Have you talked  
22     with him since June 19th, 1986 until two weeks  
23     ago?

24          A     Yes, he just told me to tell the truth.

25          Q     You also, among other things, have told

1       somebody in some proceedings that, and we have  
2       enough proceedings here, that you didn't know what  
3       Poppy wanted you to tell, isn't that true?

4           A       Excuse me?

5           Q       You didn't know what Poppy wanted you to  
6       say?

7           A       The truth.

8           Q       You --

9           A       Poppy wanted me to tell the truth.

10          Q       If Poppy had wanted you to tell the  
11       truth, why would you have said you didn't know  
12       what Poppy wanted you to say?

13          A       Excuse me. I don't understand what you  
14       saying. I don't understand.

15               MR. BRAVE: Objection.

16               THE COURT: I'll sustain the objection  
17       because the witness said she didn't know anything  
18       about it.

19          Q       You have admitted to the ladies and  
20       gentlemen of the jury that you lied when they  
21       questioned you about the case, isn't that correct?

22          A       Excuse me, I lied about the question?

23          Q       You know what lie means, don't you?

24          A       Yes.

25          Q       And you lied about the case, didn't you?

1           A       When homicide first picked me up?

2           Q       Yes.

3           A       Yes.

4           Q       And the reason you did that was to  
5 protect Poppy, wasn't it?

6           A       No, I was scared.

7           Q       You know as well I do that Poppy was the  
8 initial suspect in this case and he was being  
9 covered by you?

10           MR. BRAVE:  Objection.

11           THE COURT:  I'll sustain the objection.

12           MR. BRAVE:  Ask counsel be admonished.

13           THE COURT:  Mr. Tayback, I'd ask you not  
14 to put any erroneous predicates in your  
15 questions.

16           Q       Let's me ask you a question.  You have  
17 met Jesus before, haven't you?

18           A       Yes.  I'm not sure.

19           Q       Who introduced to you Jesus before?

20           MR. BRAVE:  Objection, Your Honor, in  
21 view of the last answer.

22           THE COURT:  I'll sustain the objection.

23           MR. TAYBACK:  With the Court's  
24 indulgence for a minute, I'll have to find the  
25 reference in the transcript where she said she did

1 meet him?

2 A Poppy has an accent and he talks funny.  
3 Now, he mumbles sometimes when he real high. When  
4 we was getting off the train, I don't know if he  
5 said that was Jesus or whatever, Leonard or  
6 whatever, I don't know exactly what but, you know,  
7 he said blah-blah-blah. That's how he talk. He  
8 have an accent, so sometimes it's hard to  
9 understand him.

10 MR. TAYBACK: Your Honor, I'll have to  
11 ask the Court's indulgence to find the exact  
12 reference. It's in here. I'll just have to find  
13 it.

14 THE COURT: Gentlemen, this might be an  
15 appropriate time to break for lunch since it is  
16 obvious we are not going to be able to finish with  
17 Miss Blunt before the luncheon recess.

18 Ladies and gentlemen, I'm going to ask  
19 that you report back at quarter of two ready to  
20 resume the trial.

21 We will take our luncheon recess.

22 (Whereupon the Court recessed, following  
23 which the proceedings in this matter resumed with  
24 no jury being present:)

25 AFTERNOON SESSION

1                   MR. BRAVE: Before you bring the jury  
2 down I'd like to bring a short matter to your  
3 attention.

4                   THE COURT: Mr. Brave.

5                   MR. BRAVE: Yes, Your Honor. We had  
6 planned to call tomorrow probably Deborah Blunt,  
7 the sister of the witness who is on the stand.  
8 She mentioned to me out in the corridor that she  
9 has a doctor's appointment tomorrow and can't  
10 come. I didn't want to get into it with her, but  
11 I didn't want to say to her, look, I'm sure this  
12 doctor's appointment can be postponed.

13                  Could I, perhaps, have her step in and  
14 you say, Miss Blunt, please be here tomorrow  
15 morning?

16                  THE COURT: Can't we take her out of  
17 turn?

18                  MR. BRAVE: We got Nellie Chew coming on  
19 and that is going to take most of the rest of the  
20 day, I guess.

21                  THE COURT: How long do you expect to be  
22 with Miss Blunt?

23                  MR. BRAVE: A short time.

24                  THE COURT: You can't take her out of  
25 turn? I mean, does it really destroy the

1 continuity of your case?

2 MR. BRAVE: Destroy is very strong term,  
3 Your Honor.

4 THE COURT: Pardon.

5 MR. BRAVE: Destroys is a very strong  
6 term.

7 THE COURT: Does it disrupt the  
8 continuity of your case?

9 MR. BRAVE: A little bit, but I could  
10 live with it.

11 THE COURT: Does it disturb the  
12 continuity of your case?

13 MR. BRAVE: A tiny bit.

14 THE COURT: Why don't we take her next?

15 MR. BRAVE: Okay. Thank you, Your  
16 Honor.

17 THE COURT: Bring down the jury.

18 (Whereupon, the jury entered the  
19 courtroom, after which the following proceedings  
20 ensued:)

21 THE CLERK: Ma'am, I remind you you are  
22 still under oath.

23 THE WITNESS: Yes.

24 THE CLERK: For the record, state your  
25 name and address again please.

1 THE WITNESS: Joanne Blunt, 3613 Howard  
2 Park Avenue.

3 BY MR. BRAVE:

4 Q Miss Blunt, when we broke for the  
5 luncheon recess, I had asked you whether you had  
6 been introduced by Poppy, that's LeRoy Boyce, to  
7 an individual known as Jesus up in New York City.  
8 Your answer had been, yes, and then no. Maybe it  
9 was a guy named Leonard I think is what you said  
10 and we were looking through a transcript to find  
11 where you had previously indicated you had been  
12 introduced to Jesus.

13 Do you remember now previously  
14 indicating under oath that you had met Jesus one  
15 time and it had to do with a train?

16 A Yes. But it wasn't Jesus. Evidently,  
17 it was -- his name wasn't Jesus.

18 Q Well, the person you met was introduced  
19 to you as Jesus. Whether he's Jesus of this  
20 street or Jesus of that street you are saying you  
21 don't know?

22 A I don't know what exactly LeRoy Boyce  
23 was saying.

24 Q So it is your testimony that you think,  
25 even though you thought that he said Jesus at the



1 time, now it could be Leonard?

2 A Yes.

3 Q You remember saying in response to my  
4 questions, so Poppy and Jesus knew each other, you  
5 answered yes?

6 A Yeah, because evidently I don't think  
7 his name was Jesus, the guy he introduced me to on  
8 the train.

9 Q When you were up in New York, where did  
10 you stay?

11 A Excuse me?

12 Q When you were up in New York with LeRoy  
13 Boyce, Poppy, where did you stay?

14 A We never stayed overnight.

15 Q You stayed for hours at a time, did you  
16 not?

17 A Yes.

18 Q When he went to buy his drugs on the  
19 street, whichever street that was up in Harlem,  
20 did you go with him or --

21 A Yes.

22 Q You went right with him?

23 A Yes.

24 Q To the particular person from whom you  
25 purchased the drugs?

1           A     Yes.

2           Q     Who was that?

3           A     Guy by the name of Coochie.

4           Q     A man?

5           A     Yes.

6           Q     Where was Coochie when these drugs were  
7 purchased by Poppy?

8           A     On 107th.

9           Q     And what?

10          A     I don't know. I don't remember.  
11 Central Park I think it is.

12          Q     Could you give a description of Coochie?

13          A     No. He's a spanish guy.

14          Q     He's a male?

15          A     Spanish guy.

16          Q     Spanish guy named Coochie. Definitely a  
17 man, right?

18          A     Yes.

19          Q     All right. Did you ever then go back  
20 with Poppy to a house on 121st Street in New York?

21          A     Yes.

22          Q     Poppy's address, as we have been told,  
23 was I think 430 West 125th Street. Did you go to  
24 that?

25          A     No.

1 Q You never went there. How about 121st  
2 Street, you did go there, is that right?  
3 A 121st and Morningside.  
4 Q That's where you went, isn't it?  
5 A Yes.  
6 Q That happens to be the same address as  
7 Jesus, isn't that correct?  
8 A I don't know.  
9 Q That's Reuben Rainey's address, right?  
10 Reuben Rainey lives there, Jesus lives there?  
11 A I don't know.  
12 Q How about some other people? Who else  
13 did you meet there?  
14 A It was a young lady in the basement,  
15 that lives in the basement. I forgot her name.  
16 Q That's another girlfriend of --  
17 A Yeah.  
18 Q -- Leroy Boyce's?  
19 A Yes.  
20 Q How about some other males?  
21 A I can't remember the names.  
22 Q Don't remember their names?  
23 A No.  
24 Q But you did see them or you did know  
25 that Poppy was there meeting with them, didn't

1 he?

2 A Poppy wasn't there meeting with no one  
3 at 121st Street but Reuben Rainey.

4 Q When was it -- Okay, well, you are  
5 saying he was there meeting with Reuben Rainey on  
6 121st Street?

7 A Yes.

8 Q When?

9 A When we went up to New York to buy the  
10 drugs. After we left 107th Street we went to see  
11 Rudy so he can come back down in Baltimore with  
12 us.

13 Q When was this? This is right before the  
14 murders, is that correct?

15 A Yes, it was before the murders.  
16 Correct.

17 Q Is that the time you are claiming that  
18 he came down on Friday because Poppy needed  
19 additional protection?

20 A Yes.

21 Q So any --

22 A Yes.

23 Q So any other meetings prior to that?

24 A Not that I can remember, no.

25 MR. TAYBACK: I have no further

1 questions.

2 REDIRECT EXAMINATION

3 BY MR. BRAVE

4 Q Miss Blunt, during Mr. Tayback's cross  
5 examination of you, you frankly admitted that,  
6 yes, you are one of Leroy Boyce's girlfriends,  
7 right?

8 A Yes.

9 Q That's true?

10 A Yes.

11 Q It is also true that LeRoy Boyce is, in  
12 fact, in charge of a drug organization?

13 A Yes.

14 Q That operates out of Baltimore?

15 A Yes.

16 Q And it is true that that drug  
17 organization has anywhere from ten to maybe  
18 fifteen people connected with it in some form or  
19 another?

20 A Exactly, yes.

21 Q Some of them are women couriers. Do you  
22 know what I mean by that word?

23 A No, I don't.

24 Q Someone who travels back and forth with  
25 drugs?

1 A Yes.

2 Q And you were one of them?

3 A Yes.

4 Q He had people who protected him?

5 A Yes.

6 Q People who carried around guns?

7 A Yes.

8 Q He had stash houses in different parts

9 of the city?

10 A Yes.

11 Q One of them at one time may have been

12 Deborah Veney's house?

13 A Yes.

14 Q One of them at one time may have been

15 862 West Fayette Street?

16 A Yes.

17 Q One of them may have been Robin

18 Robinson's house over on Greenmount?

19 A Yes.

20 Q This is all true?

21 A Yes.

22 Q He even got ripped off for thirty

23 thousand dollars by some guy by the name of

24 Ricardo or Carlos?

25 A Yes.

1 MR. TAYBACK: Objection, one of those  
2 names was one mentioned by Miss Blunt, the other  
3 was not.

4 THE COURT: Which name was it, Miss  
5 Blunt.

6 THE WITNESS: Ricardo, Carlos, Carlos.  
7 I'm not sure of his spanish name. It's something  
8 like that.

9 Q Some guy with a spanish sounding name  
10 was a friend of Robin Robinson's and one day the  
11 thirty thousand dollars that LeRoy Boyce had  
12 stashed away to pay for a Winnebago? That's a  
13 camper, right?

14 A Yes.

15 Q Disappeared from Robin Robinson's house?

16 A Yes.

17 Q He wasn't happy about that?

18 A No.

19 Q And he took his protection along to take  
20 care of that situation?

21 A Yes, but they never found the guy.

22 Q And this was all before you went to New  
23 York with him and before Reuben Rainey came back?

24 A Yes.

25 Q This is all true?

1           A       Yes, it is.

2           Q       Let's get to some core matters.   Who  
3 killed the two women?

4           A       Reuben Rainey.

5                   MR. TAYBACK:  Objection, Your Honor, to  
6 the State's characterization of core matters,  
7 whatever that is.

8                   THE COURT:  Well, I'll overrule the  
9 objection.

10          Q       Who said one, two, three?

11          A       Reuben Rainey.

12          Q       Who came running out of the house with  
13 brains splattered all over him?

14          A       Reuben Rainey.

15                   MR. BRAVE:  I have nothing further, Your  
16 Honor.

17                   MR. TAYBACK:  No recross.

18                   THE COURT:  You said you slumped down in  
19 the seat, why did you do that?

20                   THE WITNESS:  Because I was scared.  I  
21 thought me and Nellie would be next.

22                   THE COURT:  Any questions in light of  
23 the Court's questions?

24                   MR. BRAVE:  None, Your Honor.

25                   THE COURT:  You may step down.



1 MR. BRAVE: The State would like to call  
2 out of the sequence that it would prefer, Deborah  
3 Blunt at this point, Your Honor.

4 THE COURT: Very well.

5 Deborah BLUNT,  
6 a witness produced on call of the State, having  
7 first been duly sworn, according to law, was  
8 examined and testified as follows:

9 THE CLERK: State your full name and  
10 present address.

11 THE WITNESS: My name is Deborah Blunt.  
12 I live 5319 Jamestown Court.

13 THE COURT: Can't hear you.

14 THE WITNESS: 5319.

15 THE COURT: What?

16 THE WITNESS: Jamestown Court.

17 THE CLERK: What is your date of birth?

18 THE WITNESS: 4/15/64.

19 THE COURT: All right.

20 DIRECT EXAMINATION

21 BY MR. BRAVE

22 Q Miss Blunt, good afternoon.

23 A Good afternoon.

24 Q Are you Joanne Blunt's younger sister?

25 A Yes.

1 Q She is how much older than you?  
2 A A year and five months.  
3 Q Now, Miss Blunt, I want to show you  
4 State's Exhibit 1. You can touch it. I mean, you  
5 can hold it if you want.  
6 A No, I don't. Oh, okay.  
7 Q You ever seen this before?  
8 A Yes.  
9 Q Are you sure?  
10 A Yes.  
11 Q When you saw this gun, who, if anyone,  
12 had it?  
13 A Rudy had it.  
14 Q Who is Rudy?  
15 A Right there.  
16 THE COURT: You have to speak up.  
17 A Rudy right there.  
18 Q Where were you and the Defendant when  
19 you saw this gun?  
20 A We was at a motel on Reisterstown Road,  
21 Townhouse.  
22 Q Were you there alone with him?  
23 A Yes.  
24 Q Did you spend time together with him in  
25 that motel?

1           A     Yes.

2           Q     Do you remember when the two women got  
3 killed?

4           A     Yes, I remember.

5           Q     When you saw this gun in the hands of  
6 Reuben Rainey, was it in his hands when you saw  
7 it?

8           A     No, it was not.

9           Q     Where was it?

10          A     It was lying on the dresser in the motel  
11 room.

12          Q     Do you know whether that was before or  
13 after the two women got killed?

14          A     No, I'm not exactly sure.

15          Q     How close in time was it to the time  
16 that the women got killed?

17          A     I think it was after. It was after they  
18 got killed.

19          Q     About how long afterwards?

20          A     Approximately two to three days.

21          Q     Do you remember what motel that was?

22          A     Yes, I do.

23          Q     Where was it, which motel?

24          A     It was the Townhouse on Reisterstown  
25 Road.

1 Q Townhouse?

2 A Yes.

3 THE COURT: Do you know where that is on  
4 Reisterstown road?

5 THE WITNESS: No, I don't know the  
6 address.

7 THE COURT: I mean, you know --.

8 THE WITNESS: Right next Gino's Kentucky  
9 Fried Chicken.

10 THE COURT: Now, do you know where  
11 Northern Parkway is?

12 THE WITNESS: Yes, it's above Northern  
13 Parkway.

14 THE COURT: Is it as far as Reisterstown  
15 Plaza?

16 THE WITNESS: No, it is not that far.

17 THE COURT: So between Northern Parkway  
18 and Reisterstown Plaza?

19 THE WITNESS: Yes.

20 THE COURT: All right.

21 Q Just one other question, Miss Blunt,  
22 believe me I don't want to mix into your private  
23 business, but you and the Defendant at the time  
24 were boyfriend and girlfriend?

25 A Yes.

1 MR. BRAVE: I have nothing further, Your  
2 Honor.

3 THE COURT: Cross examine.

4 CROSS EXAMINATION

5 BY MR. TAYBACK

6 Q Miss Blunt, you indicated that you and  
7 Reuben, yes or no, were boyfriend and girlfriend,  
8 is that right?

9 A Yes.

10 Q You had gone to the motel together to  
11 have some time together by yourselves, is that  
12 right?

13 A Yes.

14 Q Did Mr. Rainey ever discuss murdering  
15 two people, Deborah Veney or Peaches, Glenita --

16 MR. BRAVE: Objection.

17 Q -- Glenita Peaches Johnson with you?

18 THE COURT: Let me see counsel at the  
19 bench.

20 (Whereupon, counsel and the Defendant  
21 approached the bench and the following conference  
22 ensued:)

23 THE COURT: Mr. Brave, you are keeping  
24 the Court totally off balance because earlier you  
25 are agreeing with Mr. Tayback on this issue of

1 relevancy.

2 MR. BRAVE: It's relevant but it is  
3 hearsay.

4 THE COURT: Well, Mr. Tayback has  
5 recited a list of cases which you yourself seem to  
6 agree with. The Court took its own position which  
7 doesn't necessarily agree with either one of you.  
8 Now, you are objecting again. I just want to know  
9 where you are.

10 MR. BRAVE: Whether it is relevant or  
11 not relevant, it is clearly hearsay.

12 THE COURT: Mr. Tayback.

13 MR. TAYBACK: I didn't realize he was  
14 objecting on that ground, so let me think that  
15 through. Well, it is a statement made, if there  
16 were any statements made, obvious there are not,  
17 but if there were such a statement made it would  
18 be made by the Defendant.

19 Now, that does come into an exception  
20 that would be allowed.

21 MR. BRAVE: You would have to make a  
22 proffer as to what you expect by way of an  
23 answer.

24 MR. TAYBACK: I think her answer is  
25 going to be no; is what I expect.

1 MR. BRAVE: Then it is hearsay.

2 MR. TAYBACK: I have no response and the  
3 Court will have to make its ruling.

4 THE COURT: Sustain the objection.

5 (Whereupon, counsel returned to the  
6 trial table and proceedings resumed in open  
7 court.)

8 Q Miss Blunt, how long had you been the  
9 girlfriend of Reuben Rainey?

10 A About a week.

11 Q About a week?

12 A Yes.

13 Q When had you first seen Reuben Rainey?

14 A I don't remember the exact date.

15 Q Well, do you remember the day of  
16 Peaches, Glenita Peaches Johnson being killed,  
17 Deborah Veney being killed?

18 A Yes, I remember.

19 Q If I indicate that to you as a Monday,  
20 would that help to refresh your memory?

21 A Yes.

22 Q Had you known Reuben Rainey before that  
23 date?

24 A Yes.

25 Q Where had you known him, where had you

1       seen him?

2           A       I met him down on Fayette Street, 852  
3       West Fayette Street.

4           Q       852 West Fayette Street?

5           A       Yes.

6           Q       Did he have the handgun on his person at  
7       that time?

8           A       No, I didn't see it.

9           Q       Now, that particular handgun you  
10       recognize as being Poppy's, don't you?

11          A       No, I do not. I don't.

12          Q       You were part of Poppy's organization,  
13       weren't you?

14          A       Not exactly.

15          Q       Well, enough so that you got arrested on  
16       June 19th for dealing in Poppy's drugs?

17          A       Yes.

18          Q       Well, that may not be too exact, that's  
19       what we are talking about. Okay. So, you say  
20       that some time, and I think you said a few days,  
21       two or three days after the murders, you were at  
22       the Townhouse Motel with Reuben Rainey, is that  
23       correct?

24          A       Yes, that's correct.

25          Q       Now, are you close with Joanne your



1 sister who is 15 months older than you?

2 A Yes, we are close.

3 Q And she hadn't scared you off of Reuben  
4 Rainey by saying, look, I had just been over to  
5 4711 Navarro Road and this madman shot these two  
6 people for no reason?

7 A No, she sure didn't.

8 Q She didn't say anything like that?

9 A No.

10 Q She absolutely did not, isn't that  
11 correct?

12 A That's correct.

13 Q With respect to the situation involving  
14 Joanne Blunt and 4711 Navarro Road, Joanne Blunt  
15 was, I guess, the number one woman of LeRoy Boyce,  
16 isn't that correct?

17 A Part of my understanding she was.

18 Q And she would do just about anything to  
19 protect LeRoy Boyce, isn't that correct?

20 A I don't know.

21 Q You think so, though?

22 A I don't know.

23 Q She is your sister and I understand you  
24 are trying to protect her --

25 A I have nothing to protect her from.

1 Q Uh-huh. She has a real close  
2 relationship with LeRoy Boyce, doesn't she?

3 A She used to.

4 Q Until two weeks ago? I guess it's kind  
5 of hard to be too close to him since he's in  
6 prison but she's called him at least two weeks  
7 ago, isn't that right?

8 A I don't know.

9 Q You don't know that?

10 A No.

11 Q With respect to the handgun in question,  
12 you didn't see Reuben Rainey threatening you or  
13 anybody else with that, did you?

14 A No, he didn't threaten me with no gun  
15 but I have had a threat from him before.

16 Q You have had a threat from him before?

17 A Sure I have.

18 Q Tell me about that since you bring it  
19 up. When was it?

20 A It was the same day we were at the  
21 Townhouse.

22 Q At the Townhouse?

23 A Yeah.

24 Q So this would be two or three days after  
25 the murder, is that right?

1           A     I guess.

2           Q     And what was that threat?

3           A     Because I had took some of his cocaine

4 when he went to sleep and he called me --

5           Q     Some of his cocaine?

6           A     -- threatening to hurt me for taking it.

7           Q     What did he threaten to do?

8           A     He said he was going to get me.

9           Q     You are right there in the motel room?

10          A     No, I was not in the motel room at the

11 time. I was home. I took the cocaine and I went

12 home.

13          Q     So this is like June, I don't know, 4th

14 or 5th of 1986, is that right?

15          A     I'm not sure at all.

16          Q     Let me ask you a question. Are you the

17 same Deborah Blunt who wrote a whole lot of

18 letters to Reuben Rainey over in Baltimore City

19 Jail?

20          A     Yes, sure I am.

21          Q     Professing your everlasting love for

22 him?

23          A     Yes.

24          Q     Even calling yourself in one of those

25 the letters Deborah Rainey?

1           A       Yes.

2           Q       Are you same one who sat here before --

3           A       Yes, I am.

4           Q       And made goo-goo eyes at him?

5           A       Yes.

6           Q       But you are the one who is threatened by

7 him, is that right?

8           A       Yeah, of course.

9           Q       Miss Blunt, you realize, of course, that

10 what you are saying helps whom, Poppy, doesn't it?

11          A       No.

12          Q       It doesn't?

13          A       No, it helps --

14          Q       Because it is Poppy's gun and you know

15 that, don't you?

16          A       No, I do not.

17          Q       What you are doing is trying to shift

18 Poppy's gun into somebody's else's hands?

19          A       That isn't true.

20          Q       Two men, one person, Poppy who is

21 Joanne's main man --

22          A       Poppy doesn't mean no more to me than

23 Rudy do.

24          Q       Well, Rudy meant something to you. He's

25 the one you wanted to be married to --

1           A     Well, sure.

2           Q     -- according to your letters?

3           A     Sure, I did.

4           Q     Well, then you say Poppy meant the same

5     thing to you?

6           A     No, don't none of them mean nothing to

7     me. Both of them are okay. I care about

8     everybody.

9           Q     Everybody in the world, is that right?

10          A     Everybody, yes.

11          Q     When did you see the gun again? You say

12     you saw it in the Townhouse Motel two or three

13     days after the murder?

14          A     Yes.

15          Q     When did you see it again?

16          A     I didn't.

17          Q     Never saw it again?

18          A     No.

19          Q     And you never saw it before?

20          A     No.

21          Q     And it just pops up there?

22          A     Yes.

23          Q     And that's two or three days after the

24     murder?

25          A     Yes.

1 Q And, of course, you recognized that gun?  
2 A Yes, of course, I do.  
3 Q Of course you do?  
4 A Yes.  
5 Q You have seen it one time on a drawer,  
6 excuse me, on a dresser or in a drawer of a  
7 dresser, whatever you said?  
8 A On the dresser.  
9 Q On the dresser?  
10 A Uh-huh.  
11 Q And that's it?  
12 A Yeah.  
13 Q You didn't go over and inspect it and  
14 look at it carefully?  
15 A No, I was like, please put it away.  
16 Q Please put it away?  
17 A Yes.  
18 Q And were you right there looking at it?  
19 A No.  
20 Q Mr. Brave wasn't in the room showing it  
21 to you, was he?  
22 A No.  
23 Q How close were you to it?  
24 A I was approximately from here to about  
25 where she is sitting there.

1           Q     So you are saying the court reporter, is  
2     that right?

3           A     Yes.

4           Q     And you are saying because of that --  
5     You are seated there in this room. You are  
6     evidently scared of the gun, is that right?

7           A     Yes.

8           Q     Never seen it before, never seen it  
9     again -- could I have it please? Where is it?  
10    Now, I'm going to stand right about here?

11          A     Okay.

12          Q     It's on a dresser, is that right?

13          A     Uh-huh.

14          Q     It's right on the dresser? It is not  
15    pointed at you, is it?

16          A     I don't remember which way it was  
17    pointing.

18          Q     Now, you are telling these ladies and  
19    gentlemen of the jury that you looked at this once  
20    for a second and you were scared of it and you  
21    said put it away?

22          A     Yes.

23          Q     And that you recognize it. Now, was it  
24    pointed at you?

25          A     I don't remember if it was.

1 Q Was it pointed away from you?

2 A I don't remember. I know it was on the

3 dresser.

4 Q You just remember it was on the dresser?

5 A Yes, of course.

6 Q It was this gun?

7 A Yes.

8 Q Absolutely no question about it?

9 A Yes, it was that gun.

10 Q What do you recognize about it?

11 A Silver.

12 Q Silver?

13 A That black handle.

14 Q Black handle and silver. That's it?

15 A Yes; and big.

16 Q And big. What else?

17 A That's all.

18 Q So any gun that has a black handle,

19 silver or chrome, as it would be called by other

20 people, and is big, fits the description, is that

21 right?

22 A That fits the description to a T.

23 Q That's what I'm asking you. This fits

24 the description, doesn't it?

25 A Yes, it does.



1           Q     Is there anything else about it that is  
2 more specific that you recognize?

3           A     No, I didn't get close on it at all.

4           Q     You stayed five feet away, is that it?

5           A     Yes, as far as I could.

6           Q     So that's your definition of the  
7 identification of the gun, is that right?

8           A     Uh-huh.

9           Q     You never had any conversation about the  
10 use of the gun or any history of the gun or  
11 anything that the gun had done or anything else  
12 like that?

13          A     No.

14          Q     Is that correct?

15          A     No.

16          Q     There was no name calling about the gun?

17          A     No. No, not that I know of.

18          Q     Are you going to come up with some -- Go  
19 ahead.

20          A     No, I said no. All right?

21          Q     All right. On June 19th, you were with  
22 Reuben Rainey, weren't you?

23          A     Yes.

24          Q     That's the day you get arrested, isn't  
25 it?

1           A     Right.

2           Q     Did he have a gun that day?

3           A     No, he didn't.

4           Q     What happened to this gun?

5           A     I don't know. I never asked him about  
6 it either.

7           Q     It just appears and disappears, is that  
8 right?

9           A     I guess.

10          Q     You are the one testifying?

11          A     I really don't know what happened to the  
12 gun. I didn't ask questions about the gun when I  
13 saw it, and I didn't ask questions about the gun  
14 when I didn't see it.

15          Q     What day of the week was it that you  
16 went to the Townhouse Motel?

17          A     I don't remember what day. I think it  
18 was on a Sunday, but I'm not sure. I think it was  
19 on a Sunday.

20          Q     Well, could it have been the Sunday  
21 before June 2, 1986?

22          A     No, it couldn't have been.

23          Q     Was your sister engaged in the  
24 twenty-four hour laundromat marathon?

25          A     I don't know that either.

1           Q       Between Friday May 30th, 1986 and June  
2       2, 1986, were you in your sister's company?

3           A       I'm not sure.

4           Q       Do you remember your sister ever telling  
5       you she took twenty-four hours or approximately  
6       that or at least half a day to wash a garbage bag  
7       full of clothes?

8           A       No, I don't.

9           Q       When was it that your sister told you  
10      that she was at 4711 Navarro Road on June 2, 1986,  
11      and saw Deborah Veney and Glenita Johnson killed?

12          A       It was one day right after I got out of  
13      jail, we was over my mother's house and I happened  
14      to ask her about it and that is what she came out  
15      and told me, that Rudy did it.

16          Q       What day is this? How long were you in  
17      jail?

18          A       I stayed in jail from Friday till  
19      Sunday.

20          Q       So you were in jail for two or three  
21      days?

22          A       Yeah.

23          Q       Then it is right after that?

24          A       No, it wasn't exactly right after that.  
25      May have been a couple of days after that.

1 Q A couple of days?

2 A Uh-huh.

3 Q So that would be say maybe about June

4 25th or something like that?

5 A I'm not sure about the dates.

6 Q About that time, is that right?

7 A Maybe.

8 Q And that is, of course, during the same

9 period of time that you are writing the letters to

10 Reuben Rainey, is that right?

11 A Yes.

12 Q In any of those letters whatsoever did

13 you ever say anything about the murders of these

14 two people?

15 A I think I did ask him about them.

16 MR. TAYBACK: Your Honor, the State has

17 taken this witness out of turn but I don't have

18 them with me. I'll have to bring them in if she

19 wants to claim there is something there about --

20 A I didn't say there was not anything in

21 there about it.

22 Q There is nothing?

23 A I didn't say there was nothing. I'm

24 sure --

25 THE COURT: Just a minute, ma'am.

1 Counsel, again, I'm going to have to ask both  
2 counsel don't explain things in front of the  
3 jury. If you have something to say, even though  
4 it is tedious, I have to ask that you come up and  
5 let's discuss it out of the presence of the jury.

6 (Whereupon, counsel and the Defendant  
7 approached the bench and the following conference  
8 ensued:)

9 THE COURT: Mr. Tayback.

10 MR. TAYBACK: Your Honor, I don't have  
11 the letters with me. If she can come back  
12 tomorrow or sometime convenient, I'll put her on  
13 the stand again for that limited purpose.

14 THE COURT: That's why I have her  
15 testifying now because she was creating somewhat  
16 of a stir because Mr. Brave, Mr. Brave was telling  
17 her to come back tomorrow and she has a doctor's  
18 appointment.

19 MR. TAYBACK: She says she has a  
20 doctor's appointment. That couldn't be all day.

21 THE COURT: It could be. I've been to  
22 the doctor all day.

23 MR. TAYBACK: Maybe it could. I don't  
24 know.

25 THE COURT: Mr. Brave.

1 MR. BRAVE: I have no response, Your  
2 Honor. I'm willing to do anything the Court tells  
3 me to do. It's Mr. Tayback's problem.

4 THE COURT: How much more cross  
5 examination?

6 MR. TAYBACK: Very limited, very  
7 limited. It's really as to the letters, period.  
8 I mean, I have nothing else.

9 THE COURT: It's your witness, Mr.  
10 Brave. I simply have to ask you when it is over  
11 to ask her when she can come back.

12 MR. BRAVE: How are we going to work  
13 that?

14 THE COURT: I don't want to make a  
15 spectacle in front of the jury. I'm asking you to  
16 just quietly ask her when she can come back.

17 MR. BRAVE: I know what she is going to  
18 say. She is going to say I can't come back  
19 tomorrow. So if you tell her to come back, she  
20 will come back.

21 THE COURT: The reason I told you to  
22 take her out of turn was so I wouldn't have to  
23 tell her to come back.

24 MR. BRAVE: Right. Are you saying I  
25 should have anticipated --

1 THE COURT: No, I'm not saying that at  
2 all.

3 MR. BRAVE: Mr. Tayback didn't have the  
4 letters with him.

5 THE COURT: I'm not saying that at all.

6 MR. BRAVE: I'll tell her to come back.

7 THE COURT: That's what I'm asking you  
8 to do.

9 MR. BRAVE: Okay.

10 MR. MURPHY: What if she says no?

11 THE COURT: Let's cross that bridge when  
12 we get to it, Mr. Murphy. Let's go on with it.

13 (Whereupon, counsel returned to the  
14 trial table and proceedings resumed in open  
15 court.)

16 MR. TAYBACK: Your Honor, I have no  
17 further questions until I retrieve the letters.

18 THE COURT: Very well. The State have  
19 any questions?

20 MR. BRAVE: I have no questions, Your  
21 Honor.

22 THE COURT: All right. Ma'am, would you  
23 step down. Mr. Brave, will you escort the witness  
24 to the hallway?

25 (Whereupon, Mr. Brave escorted the

1 witness into the hallway.)

2 MR. BRAVE: It's all taken care of, Your

3 Honor.

4 THE COURT: All right. Next witness,

5 please.

6 MR. BRAVE: Nellie Chew.

7 NELLIE CHEW,

8 a witness produced on call of the State, having

9 first been duly sworn, according to law, was

10 examined and testified as follows:

11 THE CLERK: State your full name and

12 present address.

13 THE WITNESS: Nellie Chew.

14 MR. BRAVE: State's Exhibit for

15 identification only 34.

16 (Whereupon, so marked.)

17 MR. BRAVE: And 35.

18 (Whereupon, so marked.)

19 DIRECT EXAMINATION

20 BY MR. BRAVE.

21 Q Good afternoon, Miss Chew.

22 A Good afternoon.

23 Q What agreement, if any, exists between

24 yourself and the State of Maryland with respect to

25 your testimony?



1           A       If I testify, at the end of this trial  
2       you will go before the Judge on my drug charges,  
3       you would explain to the Judge the way I  
4       cooperated.

5           Q       Now, you are presently charged with some  
6       narcotics violations?

7           A       Yes.

8           Q       And is that charge as a result of your  
9       arrest on June the 19th, 1986, at 862 West Fayette  
10      Street?

11          A       Yes.

12          Q       And you and the State have an agreement  
13      that if you tell the truth here today, cooperate  
14      with the State, we will do what with respect to  
15      those drug charges?

16          A       You would let the Judge know that I  
17      cooperated in this trial.

18          Q       Okay. And the Judge will take that into  
19      consideration?

20          A       Yes.

21          Q       You also got charged sometime shortly  
22      after the 1st of August with first degree murder?

23          A       Yes.

24          Q       In this case?

25          A       Yes.

1 Q The killing of the two ladies?  
2 A Yes.  
3 Q You are no longer charged?  
4 A No, I'm not.  
5 Q What happened to that charge?  
6 A It was dismissed.  
7 Q How did it get dismissed?  
8 A Because I told what I knew of the case  
9 as far as the killings.  
10 Q Let me drop back a few steps. You had a  
11 number of opportunities to talk to the police  
12 between June the 19th, 1986 and early August 1986,  
13 is that correct?  
14 A Yes.  
15 Q You first had an opportunity to talk to  
16 the police the night you were arrested, June 19?  
17 A Yes.  
18 Q Did you tell the police anything about  
19 the knowledge you had about these murders?  
20 A No, I didn't.  
21 Q At that time?  
22 A No.  
23 Q There were other times in which you were  
24 brought out of jail to be interviewed?  
25 A Yes.

1 Q During those interviews, did you give  
2 the police any information about these murders?

3 A No, I didn't.

4 Q You were eventually charged with the  
5 crime?

6 A Yes.

7 Q You got a lawyer?

8 A Yes, I do.

9 Q What was his name?

10 A Edward Smith.

11 Q Did Mr. Smith talk to the State to the  
12 best of your knowledge?

13 A Yes, he did.

14 Q Did he talk to you?

15 A Yes.

16 Q After he talked to you, did you still  
17 refuse to talk to the State?

18 A Yes.

19 Q Was it then that you were charged?

20 A Yes, it was.

21 Q Were you brought out still another time?

22 A Yes.

23 Q That next time, did you have occasion to  
24 talk to LeRoy Boyce?

25 A Yes, I did.

1 Q On the telephone or in person?

2 A On the phone.

3 Q What did LeRoy Boyce tell you to do?

4 MR. TAYBACK: Objection.

5 THE COURT: Overruled.

6 A Tell the truth.

7 Q Now, eventually you gave a statement on

8 September 9th, 1986, is that correct?

9 A Yes.

10 Q After you gave that statement, you went

11 to the grand jury on Thursday September 11th, two

12 days later?

13 A Yes.

14 Q Did you know on September 24, 1986, that

15 Robert Robinson had already talked to the police?

16 A Did I know, I'm not sure.

17 Q In any event, whether you knew whether

18 he talked to the police or not, did you know what

19 he said to the police?

20 A No, I didn't.

21 Q Did you know that Joanne Blunt, who just

22 left here, finally talked to the police on August

23 the -- July the 31st? Did you know that she had

24 talked to the police?

25 A At a later date.

1 MR. TAYBACK: Objection, Your Honor.

2 MR. BRAVE: I'm just asking whether she  
3 knew.

4 MR. TAYBACK: I don't think it's  
5 preparatory.

6 THE COURT: I'll overrule the objection.

7 Q Did you know that Joanne Blunt had  
8 talked to the police and been to the grand jury?

9 A I later found out she did.

10 Q Well, you later found out. Did you know  
11 that by September 9th, 1986?

12 A When I gave my statement?

13 Q Yes.

14 A Yes.

15 Q Did you know the details of what she  
16 told the police?

17 A No, I don't.

18 Q I want to drop back to June the 2nd,  
19 1986, in the early morning hours, were you at 862  
20 West Fayette Street at any point in time?

21 A Yes, I was.

22 Q What were you doing there?

23 A Sleeping.

24 Q That's your place?

25 A Yes, it was.

1           Q     While we are on that subject of it being  
2 your place, it is true that LeRoy Boyce supports  
3 that establishment, does he not?

4           A     Sometimes.

5           Q     Pays the rent. You worked for Leroy  
6 Boyce. You were part of his organization?

7           A     Yes.

8           Q     You not only sold drugs for him, you  
9 from time to time went back and forth to New York  
10 and acted as a courier to bring back drugs?

11          A     I never carried drugs.

12          Q     You would accompany him for other  
13 reasons?

14          A     Yes.

15          Q     He would leave drugs at 862 from time to  
16 time?

17          A     He had.

18          Q     Large quantities?

19          A     He has.

20          Q     He would leave large quantities of cash  
21 at 862 from time to time?

22          A     Yes..

23          Q     That's all true?

24          A     Yes.

25          Q     When I talk about drugs -- What drugs

1 are we talking about, incidentally?

2 A What type of drugs?

3 Q Yes.

4 A Cocaine.

5 Q Would it be fair to say that basically

6 he dealt with cocaine to the exclusion of other

7 types of drugs?

8 A Yes.

9 Q Did he deal in marijuana?

10 A No.

11 Q Did he deal in heroin?

12 A No.

13 Q It was cocaine, that was what he dealt?

14 A Yes.

15 Q Were there any drugs at 862 West Fayette

16 Street that night, June the 2nd?

17 A No.

18 Q And you were asleep?

19 A Yes.

20 Q Did there come a time --

21 THE COURT: Excuse me a moment, Mr.

22 Brave. All right, go ahead, Mr. Brave.

23 MR. BRAVE: Thank you, Your Honor.

24 Q Miss Chew, what, if anything, woke you

25 up that night?

1           A     A knock on the door.

2           Q     Who was there?

3           A     Joanne and Rudy.

4           Q     Do you see the person you refer to as

5 Rudy here in the courtroom?

6           A     Yes.

7           Q     For the record, would you point to him?

8           A     (Witness complied with request.)

9           MR. BRAVE: Indicating for the record

10 the Defendant.

11          Q     Now, on June the 2nd, 1986, how long had

12 you known the Defendant?

13          A     About two weeks I guess.

14          Q     And did you know where he had come from?

15          A     Yes.

16          Q     Where?

17          A     New York.

18          Q     Were you present when the arrangements

19 were made for him to come to Baltimore from New

20 York?

21          A     I was there when he came down. If

22 that's what you asking.

23          Q     What did they want?

24          A     What did who want?

25          Q     The Defendant and Joanne Blunt?



1           A       They were looking for cocaine.

2           Q       Did you have any?

3           A       No, I didn't.

4           Q       Now, you are part of an organization

5           that deals in bulk. Explain why on that

6           particular night you didn't have any cocaine?

7           A       Because I just didn't. I was home, I

8           was resting.

9           Q       What did you tell them?

10          A       That I didn't have anything.

11          Q       What, if anything, did you do to help

12          them obtain cocaine?

13          A       Phone calls were made.

14          Q       Who made the calls?

15          A       I'm not sure.

16          Q       Who were the calls made to?

17          A       Well, I know Manchester. They talked to

18          someone up Manchester, on Manchester Street.

19          Q       Manchester Avenue is the residence of

20          Denise Coleman?

21          A       Yes.

22          Q       She's another of Leroy Boyce's

23          lieutenants or women who are part of his drug

24          organization?

25          A       Yes.

1 Q And that from time to time he leaves  
2 drugs at that location?

3 A Yes.

4 Q So you tried Denise Coleman. Were you  
5 successful?

6 A Wasn't anything there.

7 Q Did they give you a suggestion?

8 A Yes, they said that Debbie had, had  
9 cocaine.

10 Q Now, there is a number of Debbies.  
11 Which Debbie?

12 A We call her California Debbie.

13 Q California Debbie?

14 A Uh-huh.

15 Q And do you know California Debbie's real  
16 name?

17 A Deborah Veney.

18 Q Where did she live?

19 A I don't know the name of the street, but  
20 she lives in West Baltimore.

21 Q Did you know how to find it?

22 A Yes.

23 Q Was Deborah Veney called?

24 A Yes.

25 Q Do you remember who called her?

1           A     No.

2           Q     Could it have been you?

3           A     No, I didn't.

4           Q     You are sure of that?

5           A     I'm almost sure.

6           Q     Almost sure?

7           A     Yes, I'm not certain, but I don't

8 believe I did.

9           Q     Was it one of the three of you?

10          A     Yes.

11          Q     Either Joanne, yourself, or the

12 Defendant?

13          A     Yes. It had to be Joanne or I.

14          Q     Why do you say that?

15          A     Because Rudy, he didn't know her well

16 enough. You know, he didn't have her number to my

17 knowledge.

18          Q     In any event, it was yourself or Joanne

19 Blunt who called. As a result of that call, did

20 you decide to go over there?

21          A     Yes.

22          Q     Now, how did you get there?

23          A     In a car.

24          Q     Why were you going?

25          A     Because I knew how to get there.

1 Q Joanne didn't?

2 A She had been there before, but she said

3 she didn't know exactly how to get there.

4 Q How much drugs were you looking for?

5 A About a gram.

6 Q Where was the money going to come from

7 to obtain these drugs?

8 A They had money when they came and I put

9 up some money when we got there.

10 Q How much money did you put up?

11 A About twenty dollars.

12 Q About twenty dollars. Now, as between

13 the Defendant and Joanne Blunt who supplied the

14 rest of it?

15 A No, like I said, they had money when

16 they came. I don't know whose it was.

17 Q How did you get to Deborah Veney's

18 house?

19 A In a car.

20 Q What kind of car?

21 A The make and model, I don't know what it

22 was.

23 Q Who drove that car?

24 A I drove the car.

25 Q Where did the other two sit?

1           A     I can't tell you which one sat up front  
2     and which one sat in back.

3           Q     You weren't taking notes at the time?

4           A     No, I wasn't. They were both in the  
5     car.

6           Q     Did you go directly there?

7           A     Yes.

8           Q     Do you know approximately what time you  
9     arrived?

10          A     No, I don't.

11          Q     When you arrived there, what did you do?

12          A     We got there. Debbie, she answered the  
13     door, let us in, and we said, you know, why we  
14     were there. Well, she had known that we were  
15     coming, and the money was given to her and she  
16     gave the cocaine.

17          Q     Do you remember what Deborah Veney was  
18     wearing?

19          A     No, I don't.

20          Q     Do you remember if anyone was with  
21     Deborah Veney at the time?

22          A     Yes, it was.

23          Q     Who was that?

24          A     Girl named Peaches.

25          Q     Had you ever seen her before?

1           A     Not to my knowledge.

2           Q     First time to your knowledge that you  
3     were meeting her?

4           A     Yes.

5           Q     Could she have ever been to 862 West  
6     Fayette Street and you met her without you knowing  
7     it?

8           A     It's possible.

9           Q     Do you remember who did the talking  
10    amongst the three of you?

11          A     Not really, no.

12          Q     Do you remember where Deborah Veney got  
13    the drugs from?

14          A     Her pocket.

15          Q     Do you remember who she gave them to?

16          A     No, I remember she measured it off.

17          Q     Measured it off?

18          A     Measured it off, yes.

19          Q     Do you remember what, if anything, she  
20    used to measure it off?

21          A     A spoon.

22          Q     Did she say anything as she was  
23    measuring it off?

24          A     No, not to my knowledge.

25          Q     After it was measured off, who took the

1 drugs?

2 A I don't know who took it. I know it  
3 ended up in my hand.

4 Q Ended up in your hands. When you got  
5 it, what did you do with it?

6 A I cooked it.

7 Q Explain to the ladies and gentlemen what  
8 you mean by cooking?

9 A I took the cocaine and added baking  
10 soda, a little bit of water, put heat to it, and  
11 brought it back to solid form.

12 Q Does it come in a container?

13 A It's in a vial.

14 Q What?

15 A A vial, a test tube, and I cooked it to  
16 bring it back to a solid form.

17 Q Was there anything unusual about what  
18 came back?

19 A Yes, it was. It didn't come back the  
20 way it should have. It should have come back more  
21 than what it did.

22 Q Was that your opinion or everybody's  
23 opinion?

24 A Everybody's. Everybody's.

25 Q Now, once the three of you saw that it

1        didn't come back enough, did anyone say anything  
2        about that?

3            A        Yes. It was mentioned that it didn't  
4        come back like it should have and she stated,  
5        well, you seen --

6            THE COURT: She who?

7            THE WITNESS: Debbie, Deborah Veney.  
8        She stated that we seen her measure it off and if  
9        it came back like that, you know, it came like  
10       that but she measured off the amount that was  
11       supposed to be given.

12           Q        When Deborah Veney said, in effect,  
13       well, look, that's what you get, what response did  
14       that receive from the three of you?

15           A        You know, it wasn't right. Now, like it  
16       didn't -- Excuse me, it didn't come back the way  
17       it should have, you know, that was the problem  
18       because it had a cut on it. And, you know, it was  
19       -- you know, we thought that she should have, you  
20       know -- some more was due.

21           Q        Now, was this conversation going along  
22       in a nice, calm, friendly way or what?

23           A        It started out that way.

24           Q        Who was doing the talking?

25           A        At first I was talking to her. Joanne



1 was talking to her and then, you know, Rudy  
2 started and she refused, you know, saying she  
3 wasn't giving up any more drugs and she wasn't  
4 giving any money back.

5 Q How much money did you all want back?

6 A I think it was about thirty, thirty-five  
7 dollars.

8 Q Tell us how the conversation went from  
9 that point when the Defendant Reuben Rainey got  
10 into it?

11 A Well, you know, he was telling her that  
12 he wanted either more drugs or the money back.  
13 She was saying that she wasn't giving no drugs  
14 back or money back, and it was going back and  
15 forth like that, you know.

16 Like I said, it started off regular tone  
17 and it got into, you know, an argument. You know,  
18 she positively saying she is not giving it, giving  
19 any more and he saying, you know, that she is  
20 going to do something. The whole time that they  
21 were arguing, you know, about, like I say, she's  
22 not going to give any more and I was telling her,  
23 you know, I was telling her that, you know, don't  
24 worry about it, let's leave, I'll give you the  
25 money, I'll give you back.

1 Q You were saying that there to who?

2 A Rudy. And all the same time Peaches was  
3 telling Debbie to give him the money. She would  
4 give the money back to Debbie and Debbie like no,  
5 no, she -- they said she is not going to give  
6 that; and Rudy, you know, he didn't want my money,  
7 you know, he wanted from her because he felt like  
8 she was supposed to have gave it, either give him  
9 or give him the money back.

10 Q Are you saying it was a matter of  
11 principle with him, your money wasn't good, that  
12 it had to come from her?

13 A Right.

14 Q So what did this man of principle do  
15 about it?

16 A I guess the argument just kept get going  
17 on. I left from the kitchen, went into the living  
18 room, and like I was sitting on the couch and they  
19 were still arguing. I was upset because I was  
20 scared. I don't like, you know, loud noises or  
21 arguments.

22 Q Well, I accept the fact that you were  
23 upset.

24 MR. TAYBACK: Object, Your Honor.

25 THE COURT: Just a minute. I'll sustain

1 the objection; and that applies to both counsel.  
2 Both counsel have from time to time interjected  
3 their little comments and remarks in their  
4 questions. Let's go forward with the questions  
5 without the comments.

6 Q Assuming, as you have testified, you  
7 were upset, and I haven't heard yet what made you  
8 so upset. I hear the word argument, but what  
9 about that argument was upsetting you?

10 A Like I say, it was a heated argument.  
11 Now, it was, like I said, it was a heated  
12 argument. They were loud. They were fussing.  
13 You know, it was like, you know, anyone is going  
14 to give in.

15 Q You remember any of the language?

16 A It was, you know, profane language  
17 used. You know, it was cussing and fussing going  
18 on.

19 THE COURT: Like what?

20 A You know, name calling, bitches and, you  
21 know, you know, give me the money or give me the  
22 drugs. It was arguing. I mean, a heated argument  
23 going on. You know, like things that were being  
24 said was -- like I said, I was upset, you know. I  
25 was ready to leave.

1           Q     What, if anything, did you see or hear  
2 before you left?

3           A     Before I left out, like I say, I was,  
4 you know, still telling Rudy that I would give him  
5 the money, you know, and he told me, you know,  
6 bitch, shut up, you know, go out and get in the  
7 car.

8           Q     Did Reuben Rainey produce anything?

9           A     I don't remember.

10          Q     Well, to be more specific, did you see  
11 him with a gun?

12               MR. TAYBACK:  Objection, Your Honor.  
13 Really, can we approach?

14               THE COURT:  Approach the bench.

15          Q     Yes or no?

16               (Whereupon, counsel and the Defendant  
17 approached the bench and the following conference  
18 ensued:)

19               THE COURT:  Mr. Tayback.

20               MR. TAYBACK:  Your Honor, I'm trying to  
21 stay out of the way of the questioning wherever it  
22 is leading, whether it is leading or otherwise.  I  
23 understand each attorney has his own style, so be  
24 it, but really beyond a mere preparation stage  
25 everything that the State's Attorney asks of his

1 own witness or anything that a defense attorney  
2 asks of his own witnesses should be in proper  
3 form.

4 THE COURT: You say preparation, you  
5 mean preliminary stage.

6 MR. TAYBACK: Yes, absolutely. We have  
7 gone way past the preliminary stage. I don't  
8 object to other things that are objectionable, but  
9 really there comes a time when the witness is the  
10 one who has to answer and she is the one who has  
11 to tell the jury.

12 THE COURT: Mr. Brave, please accept my  
13 very sincere statement to you, that I'm not trying  
14 to beat on you or to give you a hard time, but I  
15 said to both counsel from the very beginning of  
16 the trial, what I really expected or hoped for was  
17 an extremely crisp trial in which the two sides  
18 would just focus on the issues and get right down  
19 to the heart of things so that the jury is not  
20 distracted, so that their attention is not lost,  
21 so that they will key in on what is important and  
22 not get sidetracked by all these other things.

23 MR. BRAVE: Yes, Your Honor.

24 THE COURT: Let me say what I'm trying  
25 to say. The point I'm about to make is I'm not

1 even sure Miss Chew knows what the word produce  
2 means. I can't tell you and I shouldn't tell you  
3 and it is not my job to tell you how to phrase a  
4 question and I am not telling you the way you  
5 phrased it is wrong, but you have to deal with the  
6 witnesses you have got, and it very well may be  
7 she didn't even know what produce meant.

8 I'm simply saying, aside from the  
9 leading aspect of it, try to ask the questions as  
10 directly as possible so we don't have these  
11 possible breakdowns in communication between you  
12 and the witness. There are ways you could have  
13 asked the question that would not have been  
14 leading which wouldn't have gotten us into this  
15 thing. You asked the question, did he produce  
16 anything. Well, the first thing somebody thinks  
17 of even if they are intelligent is did he have any  
18 vegetables or whatever.

19 Can we just kind of use language that  
20 gets right to the heart of these witnesses and  
21 elicits a direct answer without this kind of  
22 circuitous approach almost like we were afraid to  
23 ask the question of the witness, and I am not  
24 trying to be hard on you, but I really would like  
25 for us to get a crisp examination of these

1 witnesses so that this jury will keep its  
2 attention on what is going on.

3 MR. BRAVE: Yes, Your Honor. May I  
4 briefly be heard? She has already said she left  
5 the house. I'm simply trying to determine whether  
6 she left the house before he produced the weapon  
7 or after. And while it sounds out of context to  
8 be leading, in the framework of the way it was  
9 asked, it was simply intended to find out did she  
10 leave the house before or after anything  
11 happened.

12 THE COURT: I may well have overruled an  
13 objection to a somewhat leading question, or at  
14 least a question that may have tended to be  
15 leading and it would have created less of a  
16 problem than the fact that I'm really not even  
17 sure the witness understands the question.

18 MR. BRAVE: She's been to college, Your  
19 Honor.

20 THE COURT: Did he produce something; I  
21 mean, I'm asking you to try to ask it in such a  
22 way that there is no question about what we are  
23 trying to get at.

24 I'm going to overrule the objection and  
25 admonish the State to please try, insofar as

1 possible, not to lead.

2 I do note that this witness, I'm trying  
3 to recall her demeanor, her earlier demeanor. She  
4 appears to me to be more subdued and somewhat  
5 beaten down. I don't remember whether she was  
6 that way in the beginning or -- when I say  
7 beginning, on the prior occasion when she  
8 testified -- or not. But she is not very  
9 forthcoming with her answers and that's even more  
10 reason why I'm asking you to ask things in as  
11 direct a fashion as you possibly can so that there  
12 can't be any question about what you are trying to  
13 get at. You can do that without leading. I would  
14 ask that you figure out a way to do it.

15 MR. BRAVE: Very well.

16 MR. MURPHY: Your Honor, for purposes of  
17 getting another witness in here today or not --

18 THE COURT: I don't think there's any  
19 point. We will be on this witness awhile.

20 (Whereupon, counsel returned to the  
21 trial table and proceedings resumed in open  
22 court.)

23 THE COURT: I'd simply ask the State to  
24 rephrase the question.

25 Q Miss Chew, the word produce, do you



1 understand what that means?

2 A Yes.

3 Q Yes. You just finished testifying that  
4 you were told to go start the car?

5 A Yes, yes.

6 Q Did you see anything before you went to  
7 start the car?

8 A Like I said, they were arguing. Arguing  
9 was going on, you know. I don't remember whether  
10 or not, you know, I saw the gun then.

11 THE COURT: Whether you saw what?

12 A A gun at that time.

13 Q Are you saying you saw a gun at some  
14 other time?

15 A Yes.

16 Q All right. When the argument was heated  
17 and you were told to go start the car, what did  
18 you do?

19 A I left out.

20 Q Where did you go?

21 A I went and sat in the car.

22 Q And where was the car?

23 A Directly in front of the door.

24 Q What distance was the car from the front  
25 door to where the car was?

1                   THE COURT: Let me interrupt you one  
2 more time, Mr. Brave. Ladies and gentlemen, I  
3 assumed because no one has raised his or her hand  
4 that you can all hear the witness. Is there  
5 anyone who is having any difficulty at all?

6                   All right. There are two jurors who are  
7 having difficulty. Miss Chew, please talk right  
8 into the microphone. I have the volume up as high  
9 as it can go without creating interferences or  
10 static. So if you will please raise your voice a  
11 bit and talk directly into the microphone. Go  
12 ahead, Mr. Brave.

13                  Q     I want you to talk in the same tone that  
14 you were telling Peaches to give the money back,  
15 in the same tone you were telling the Defendant  
16 that you would give him his money back. I'm sure  
17 you weren't talking as softly then as you are  
18 now.

19                  A     No, no.

20                  Q     Let the jury hear what are you saying.

21                  A     You say say it the way that I said it?

22                  Q     I want you to let the jury hear you.  
23 They got to hear you.

24                  A     Okay. Like I said --

25                  Q     You got a --

1           A       I was upset and, you know, I was saying,  
2       you know, I'll give you the money back, you know,  
3       saying it, you know, something like that.

4       Peaches, she was, you know, more or less  
5       whispering, you know, to Debbie telling her that  
6       she would give the money back to her.

7           Q       Now, how far away from the front door  
8       was the car that you went to?

9           A       Just a little further than from here to  
10      that wall.

11          Q       When you got to the car, what did you  
12      do?

13          A       Sat in the car.

14          Q       And while you were sitting in the car,  
15      did you hear anything?

16          A       I heard a loud noise.

17          Q       What did it sound like to you?

18          A       Like a gunshot.

19          Q       Gunshot. What is the next thing you saw  
20      or heard?

21          A       I saw Joanne come running. Excuse me,  
22      Joanne came running out the house and Rudy was  
23      right behind her running.

24          Q       When you say right behind her --

25          A       He was like -- okay, she's there, he's

1       here.   He was about that much behind her.

2           Q       Did you hear a second sound like the  
3       first sound?

4           A       No, I didn't.

5           Q       When Joanne Blunt came running out of  
6       the house, where did she go?

7           A       She came running round to the driver's  
8       side of the car where I was and got in.   She sat  
9       on my lap.

10          Q       And what did the Defendant Reuben Rainey  
11       do?

12          A       He got in the back of the car.

13          Q       What, if anything, did he say?

14          A       He told me start the car up and get out  
15       of here.

16          Q       As calmly as that?

17          A       No.

18          Q       What did he say?

19          A       You know, he was shouting, you know,  
20       get, you know, start the car, bitch, start the car  
21       up.   I started the car up.   Joanne, she still was,  
22       you know, sitting on my lap so it was not so much  
23       I can do as far as sitting there.

24          Q       So what did you do?

25          A       I started the car up, you know, put the

1 car in reverse and then, okay, where we were, her  
2 house was like, you know, right there at the  
3 corner, almost to the intersection. By the time I  
4 got to the intersection, Joanne got -- I stopped  
5 the car and Joanne got out of the car and went  
6 around the car and got in on the other side.

7 Q Where did the Defendant Reuben Rainey  
8 go?

9 A In the back of the car, back seat.

10 Q At first or did he wind up in the back  
11 seat?

12 A That's where he got. He got in the car,  
13 he got in the car in the back seat.

14 Q What did the Defendant Reuben Rainey  
15 look like when he came out of there? Anything  
16 unusual about his appearance?

17 A At that time I didn't notice, no.

18 Q Well, did you notice something unusual  
19 about him at some point?

20 A Later on, yes.

21 Q When later on?

22 A We was in the car. Like I say, I  
23 started the car up, right, and Joanne had gotten  
24 out, got on the passenger side, and I was asking  
25 him, you know, where am I going. He just said,

1       you know, just shut up and drive. So I was  
2       driving the car and he was in the back of the car  
3       and he told Joanne to turn around and see if he  
4       had any brains on him. She turned around and she  
5       was looking and she started brushing, you know,  
6       brushing on him. You know, I'm watching, you  
7       know, from the rear view mirror, you know, what I  
8       could see out the side of my eyes because, like I  
9       say, I'm driving.

10           Q       I understand that. But what did you see  
11       through the rear view mirror through the side of  
12       your eyes?

13           A       You know, he was -- I saw him sitting  
14       there, you know, I saw the gun.

15           Q       Anything unusual about the way he  
16       looked?

17           A       He had blood on him.

18           Q       When you say you saw the gun, what did  
19       it look like?

20           A       It was a long silver gun with a black  
21       handle.

22           Q       Did it look like this, State's Exhibit  
23       1?

24           A       Yes.

25           Q       Where did you drive?

1           A       I drove over to East Baltimore.

2           Q       Why did you go to East Baltimore?

3           A       He asked me to take him to where Lee

4       was.

5           Q       Did you know where Lee was?

6           A       Yes, I did.

7           Q       How did you know where Lee was?

8           A       Because I had taken him to where he was

9       earlier.

10          Q       When you say earlier, how long before

11       these shootings did you take him there?

12          A       The day before I believe.

13          Q       When you took him there, who was with

14       you?

15          A       When I drove him there?

16          Q       When you drove Poppy to the east side,

17       who was with you?

18          A       I believe I was by myself.

19          Q       Did you go directly to Poppy's?

20          A       Yes, I did.

21          Q       Where was Poppy staying at the time?

22          A       Greenmount and 36th Street.

23          Q       Where?

24          A       Greenmount and 36th Street.

25          Q       Who was with him?

1           A       Who was there at the house with him?

2           Q       Yes.

3           A       Robin.

4           Q       Did you know Robin?

5           A       Yes, I did.

6           Q       She is another one of Poppy's women?

7           A       Yes.

8           Q       It's at Robin's house or Robin sister's

9       house that Poppy sometimes keeps money and dope?

10          A       Robin's house, yes.

11          Q       When you got to Greenmount Avenue, who

12       opened the door?

13          A       Robin.

14          Q       Where did you go?

15          A       She opened the door, we went upstairs to

16       where Lee was.

17          Q       Where was Lee?

18          A       In the bed asleep.

19          Q       Asleep?

20          A       Yes.

21          Q       What time of the day or night was this?

22          A       I don't know. It was the early hours in

23       the morning.

24          Q       Was it light out yet?

25          A       Starting to get light.



1 Q Did you wake him up?

2 A Yes.

3 Q What happened after you woke him up?

4 A He saw us and asked what was wrong.

5 Q Who answered?

6 A Joanne or either Rudy answered. He

7 asked what was wrong and everybody was more or

8 less looking at each other. He was like waiting,

9 you know, to find out what was wrong. Beings we

10 were there that early in the morning, he just

11 figured something was wrong.

12 Q Who told him what was wrong?

13 A Rudy told him.

14 Q What did he say?

15 A He said he had killed Debbie and that

16 bitch.

17 Q Why?

18 A I don't remember him saying why.

19 Q And what did Poppy say when the

20 Defendant said I killed Debbie and that bitch?

21 A He looked at us and he looked at Joanne,

22 you know, as if, you know, to confirm what Rudy

23 had just said and Joanne shook her head yes.

24 THE COURT: Joanne did what?

25 THE WITNESS: Shook her head to say yes,

1       that's what happened.

2               Q       Now, that's on the morning of June the  
3       2nd, 1986?

4               A       Yes.

5               Q       On September 9th, 1986, for the first  
6       time, you tell the police what you just told the  
7       jury?

8               A       Yes.

9               Q       Did you give the police any of the  
10       details that are in this statement, State's  
11       Exhibit 34 for identification, for example?

12               MR. TAYBACK:  Objection, Your Honor.  I  
13       guess we are going to have approach the bench.

14               THE COURT:  Approach the bench.

15               (Whereupon, counsel and the Defendant  
16       approached the bench and the following conference  
17       ensued:)

18               THE COURT:  Mr. Tayback.

19               MR. TAYBACK:  Your Honor, again it's the  
20       same thing.  It's putting the words in the  
21       witness's mouth.  She's the one that has to tell  
22       the State's Attorney and jurors.

23               THE COURT:  As long as Mr. Brave is  
24       asking -- Backing up for a moment, what Mr. Brave  
25       is going into now is an attempt to show the jury

1       that this witness could not possibly have  
2       conformed the details of her statement to the  
3       details of the statement of Joanne Blunt. Now, as  
4       long as --

5               MR. TAYBACK: This is --

6               THE COURT: -- as long as what he is  
7       going into is something that is already elicited  
8       from the witness, I will allow it. If you are  
9       going to go into things you have not already  
10      elicited from her independent of that statement,  
11      then I have to sustain the objection.

12              MR. TAYBACK: Two things, Your Honor.  
13      First of all, is this her statement you are going  
14      over rather than Joanne Blunt's?

15              MR. BRAVE: Yes.

16              THE COURT: Which is it?

17              MR. BRAVE: Nellie Chew's statement.

18              MR. TAYBACK: There is another problem  
19      with that. What I assume he's trying to do is  
20      buttress, if you will, his witness by prior  
21      consistent statement. If that is what he is going  
22      to do, let it be --

23              THE COURT: Let's let Mr. Brave speak  
24      for himself.

25              MR. TAYBACK: I'm not sure.

1 THE COURT: What are you doing?

2 MR. BRAVE: Showing a prior consistent  
3 statement.

4 THE COURT: She hasn't been impeached.  
5 I thought what you were doing was attempting to  
6 show the jury that the details were such that she  
7 could not have made up her version of the story.  
8 I thought you were comparing what she is saying  
9 with what the other witness said. That's not what  
10 you are doing?

11 MR. BRAVE: Well, I'm doing both.

12 THE COURT: That I was prepared to allow  
13 so long as it didn't involve new matters in the  
14 statement. But if you are talking about a prior  
15 consistent statement, I can't allow that until she  
16 has been impeached. Then you can bring in a prior  
17 consistent statement.

18 MR. TAYBACK: As to Joanne Blunt, I  
19 don't believe any statement of hers, although the  
20 State has the right to do it, after I had  
21 attempted to impeach her to come up with a prior  
22 consistent statement. They could then have her  
23 statements marked as evidence but I don't believe  
24 any statements of hers are marked in as evidence,  
25 are they?

1 MR. BRAVE: None are in evidence. I'll  
2 ask her simply did the police tell you what to say  
3 in this statement, or did they merely ask you what  
4 you knew, finished.

5 MR. TAYBACK: You are you asking her to  
6 say if the police told her. Why do you ask?

7 MR. BRAVE: Because I think it is a  
8 legitimate question.

9 MR. TAYBACK: I don't know -- that's  
10 fine. He can ask that question.

11 THE COURT: Very well.

12 (Whereupon, counsel returned to the  
13 trial table and proceedings resumed in open  
14 court.)

15 THE COURT: Go ahead, Mr. Brave.

16 MR. BRAVE: Thank you, Your Honor.

17 Q Miss Chew, let me rephrase the  
18 question. The statement you gave the police on  
19 September 9th, before you signed it you read it  
20 over?

21 A Yes.

22 Q Did the police tell you what to put in  
23 this statement, the details, or did they merely  
24 ask you what you knew of this incident?

25 A Repeat that, please.

1           Q     When the police asked you for your  
2 statement --

3           A     Uh-huh.

4           Q     -- did they tell you what they already  
5 knew, or did they merely ask you what you knew of  
6 this incident?

7           A     They asked me what I knew.

8           Q     When you went before the grand jury, did  
9 the Assistant State's Attorney before he took you  
10 in, tell you what they thought you knew or did  
11 they merely ask you what do you know?

12          A     He asked me what did I know.

13               MR. BRAVE: I have nothing further, Your  
14 Honor.

15               THE COURT: Cross examine.

16                       CROSS EXAMINATION

17 BY MR. TAYBACK

18          Q     Miss Chew, the time that you spoke with  
19 the police officers in September, were you in  
20 contact with LeRoy Boyce who was incarcerated one  
21 place while you were incarcerated another?

22          A     Yes.

23          Q     How often were you in contact with him?

24          A     I wrote him regularly.

25          Q     I'm sorry, what was that again?

1           A       We corresponded regularly and every so  
2 often I would speak to him on the phone.

3           Q       I previously asked you whether you had  
4 been conversing with him, talking with him by the  
5 telephone, and you had indicated twice a week at  
6 the most?

7           A       That's true. That's possible, yes.

8           Q       That is the telephone and you were also  
9 writing letters to him, weren't you?

10          A       Yes.

11          Q       Now, prior to speaking with the police  
12 officer and giving your version, you spoke with  
13 Poppy, isn't that true?

14          A       Yes.

15          Q       You asked the police officer whether you  
16 could call Poppy at the Baltimore City Jail which  
17 is where he was located at that time, is that  
18 true?

19          A       I asked the police if I could call  
20 Poppy? No, I didn't.

21          Q       Wasn't he gotten on the line for you in  
22 some fashion by the police department?

23          A       Yes, I spoke to him on the phone.

24          Q       You spoke to him from the police  
25 headquarters, from CID homicide, didn't you?

1           A       I was at City Jail, he was at homicide.

2           Q       So he was at homicide. He got the call  
3 to you at the City Jail, is that the way it  
4 worked?

5           A       Yes, it was.

6           Q       Prior to you speaking with him -- you  
7 had to speak with him, is that correct?

8           A       Pardon?

9           Q       Prior to you speaking with the police  
10 officers, you had to speak with Poppy, is that  
11 correct?

12          A       Yes.

13          Q       Miss Chew, you've been the girlfriend of  
14 or one of the girlfriends of Poppy for a couple of  
15 years now, isn't that true?

16          A       No.

17          Q       That's not true?

18          A       No.

19          Q       How long was it then?

20          A       I haven't known him for a couple of  
21 years.

22          Q       Didn't know him a couple of years.  
23 Okay. And he's been involved with you in some  
24 fashion for a couple of years, is that right?

25          A       Yes.



1 Q Been knowing him --

2 A It is not boyfriend/girlfriend. Excuse  
3 me.

4 Q -- in some fashion. You and he have  
5 been together for two years, is that correct?

6 A Close, yes.

7 Q And you accompanied him up to New York,  
8 didn't you?

9 A Yes.

10 Q You accompanied him to New York on  
11 Friday, May 30th, didn't you?

12 A I can't give you dates, but I was in New  
13 York with him in May, yes.

14 Q You came up there and he got a large  
15 amount of cocaine and then he and you stopped off  
16 at a motel in New Jersey somewhere?

17 A Yes.

18 Q New Jersey Turnpike. It's one of these  
19 three hour motels or something like that?

20 A We stayed there a couple of hours to  
21 rest, yes.

22 Q And then you came on down, is that  
23 correct?

24 A Yes.

25 Q And Joanne came down with the cocaine,

1       that's Joanne Blunt came down with the cocaine on  
2       the train?

3           A       True.

4           Q       Amtrack?

5           A       Yes.

6           Q       Then you all met together, where  
7       Manchester Avenue, was that the meeting place?

8           A       Yes.

9           Q       Now, Poppy, subsequent to that time, on  
10       Saturday I think you said, you took him over to  
11       Greenmount Avenue where he wanted to be by  
12       himself?

13          A       He went there to sleep, to rest.

14          Q       To be with another girlfriend, Robin  
15       Robinson, right?

16          A       She was in her sister's house. She stay  
17       there. He went there for the purpose to rest,  
18       yes.

19          Q       Where was the cocaine? This is a large  
20       amount of cocaine. Where was the cocaine?

21          A       I don't know. I didn't have it. It  
22       probably was with him more than likely.

23          Q       Poppy was the one, excuse me, Poppy was  
24       the one who distributed the cocaine to you and  
25       various people, didn't he?

1           A     Yes.

2           Q     If anybody needed cocaine, you looked at

3     Poppy, didn't you?

4           A     Yes.

5           Q     Now, Poppy was taken over to Greenmount

6     Avenue by whom?

7           A     I took him there.

8           Q     In what vehicle did you take him?

9           A     I believe, I believe I took him in my

10    brother's car.

11          Q     That wasn't a rental vehicle, rented by

12    Denise Coleman, was it?

13          A     No.

14          Q     Now, where was Joanne Blunt and where

15    was Reuben Rainey at that time, if you know?

16          A     I don't know. I don't remember.

17          Q     But they weren't with you, were they?

18          A     No, not to my knowledge, I don't

19    remember.

20          Q     You have said previously they weren't

21    with you, you took him by yourself?

22          A     I said as far as I remember.

23          Q     So you took him over there. Were you in

24    contact with him over the weekend?

25          A     Once I took him there?

1 Q Yes.

2 A No.

3 Q Did you take anybody else over to that  
4 house to be in contact with him?

5 A I couldn't answer.

6 Q Did you, I'm asking you yes or no?

7 A No, I don't want to say yes then the  
8 answer is no. I don't want to say no and it was  
9 yes.

10 Q How about this, do you remember taking  
11 him anyone?

12 A It's possible. How's that?

13 Q So it is possible you took somebody else  
14 over. If it were possible you took somebody else  
15 over, who was it possibly that you took over  
16 there?

17 A I'm saying, okay --

18 MR. BRAVE: Objection, Your Honor. Can  
19 I say something, please?

20 THE COURT: Approach the bench.

21 MR. TAYBACK: I'll withdraw the  
22 question.

23 Q Miss Chew, sometime you are sleeping at  
24 your own home in your own bed at 862 West Fayette  
25 Street and somebody is what, knocking on your

1 door?

2 A Yes.

3 Q And you get up?

4 A Yes.

5 Q What time is it?

6 A I can't tell you. I don't know.

7 Q You have a clock in your room, got an

8 alarm clock?

9 A Yes, it's a clock. I didn't look at the

10 clock. I was asleep, I woke up out of my sleep.

11 Q What were you wearing?

12 A I don't remember.

13 Q Well, you weren't dressed for the

14 street, were you?

15 A No, I wasn't.

16 Q You hadn't just come in and just flopped

17 into bed? You had gotten into bed to go to sleep,

18 isn't that right?

19 A Right.

20 Q And you were sleeping?

21 A Yes.

22 Q So somebody knocks on the door. You get

23 up, and it's according to you Joanne?

24 A Joanne and Rudy.

25 Q And they are what, yelling up at you,

1 saying we need some cocaine?

2 A No, they spoke about that once they got  
3 into the house.

4 Q They come in and they say to you, we  
5 need some cocaine, is that right?

6 A They asked if I had any.

7 Q Well, thinking that you had some, is  
8 that correct?

9 A Yes.

10 Q Now, Poppy or Leroy Boyce is the one who  
11 has just brought down a large amount of cocaine,  
12 he's the one who employs everybody, he's the one  
13 who has all the cocaine?

14 MR. BRAVE: Objection, Your Honor.

15 THE COURT: I'll sustain the objection.

16 Q Forget about him employing everybody,  
17 he's the one who has the cocaine, he's over at  
18 Greenmount Avenue?

19 MR. BRAVE: Objection, Your Honor.

20 THE COURT: I'll sustain the objection.

21 Q Why did they come to you, do you know?

22 A Why did they come to me asking?

23 Q Yes.

24 A Because I normally have it.

25 Q You don't have any, is that correct?

1           A     Correct.

2           Q     Now, you don't go back to bed though, do  
3     you?

4           A     No, I didn't.

5           Q     So what do you do? Now, you are  
6     sleeping. This is Monday morning. Were you  
7     working at that time?

8           A     No.

9           Q     You weren't working. It's Monday  
10    morning. You are sleeping. You are gotten out of  
11    your sound sleep by these people looking for  
12    cocaine. You don't have any, what do you do?

13          A     What did I do?

14          Q     What do you do? What did you do?

15          A     Okay, after it was found?

16          Q     Who found out where some was? Was that  
17    you?

18          A     Like I say, phone calls were made from  
19    my house, you know.

20          Q     Somehow you don't recall who is doing  
21    what?

22          A     Exactly who got on the phone, you know,  
23    who called.

24          Q     How about this, where did the call go  
25    to?

1           A     It was a call placed to Manchester.  
2           Q     Manchester Avenue?  
3           A     Yes.  
4           Q     And do you recall speaking with somebody  
5     there?  
6           A     Yes.  
7           Q     Well, then, if you recall speaking with  
8     somebody there, you must have been on the  
9     telephone?  
10          A     It's possible. Let me -- can I -- let  
11     me say this too.  
12          Q     All right.  
13          A     Like I say, it was a telephone  
14     conversation going on. I don't remember for sure  
15     if I made the call or Joanne placed the call. I  
16     have a speaker, I have a speaker phone. It is  
17     possible the speaker phone could have been on.  
18          Q     Did you speak with Denise Coleman?  
19          A     No, I didn't.  
20          Q     Well, if you spoke with anybody, who was  
21     it possibly?  
22          A     Coco.  
23          Q     That is Karen Godlieb or Car --  
24          A     Karen Godlieb.  
25          Q     -- Carrington is her other name.



1       Something like that, is that right?

2           A       Yes.

3           Q       And somehow or the other from there you  
4       then end up at 4711 Navarro Road, is that correct?

5           A       Correct.

6           Q       Now, did you call California Debbie,  
7       that would be Deborah Veney to find out whether  
8       she had drugs?

9           A       No, I believe Joanne called her.

10          Q       Joanne. Now, you then went over there,  
11       is that correct?

12          A       Yes, I did.

13          Q       You wanted drugs or didn't want drugs?

14          A       I went with them. No, I didn't want  
15       drugs.

16          Q       Well, you are getting up out of a sound  
17       sleep. You are going to 4711 Navarro Road. You  
18       don't want any drugs yet you are paying for them,  
19       is that right?

20          A       I gave up some money.

21          Q       How much did you give up?

22          A       About twenty dollars.

23          Q       So that contributed to the amount that  
24       the other people had, is that correct?

25          A       Yes.

1           Q     Is there any reason, for example, why  
2     you couldn't buy from somebody something worth  
3     twenty-five dollars or something worth fifty  
4     dollars as opposed to something worth seventy-five  
5     dollars?

6           A     Okay. I didn't want anything.

7           Q     Drugs in fact.

8           A     That money that I gave up was to add to  
9     the money that they already had.

10          Q     So everybody could use it?

11          A     Pardon me?

12          Q     Out of your goodwill you gave up your  
13     twenty dollars?

14          A     Yes, I did.

15          Q     Out of your goodwill you drove them over  
16     to 4711 Navarro Road?

17          A     That's what it was.

18          Q     Even though Joanne Blunt knew where it  
19     was?

20          A     She said she didn't know how to get  
21     there.

22          Q     She's the one on the telephone with  
23     California Debbie?

24          A     Yes.

25          Q     Was there anything that would have

1 prevented her from asking exactly how to get there  
2 since it is really around the corner from  
3 Manchester Avenue?

4 MR. BRAVE: Objection, Your Honor.  
5 That's not true.

6 THE COURT: Approach the bench.

7 (Whereupon, counsel and the Defendant  
8 approached the bench and the following conference  
9 ensued:)

10 THE COURT: Mr. Brave.

11 MR. BRAVE: Object to around the corner,  
12 Your Honor. They are leaving -- The evidence is  
13 they're leaving from 862 West Fayette Street,  
14 bound for Navarro Road. That's hardly around the  
15 corner. It's approximately two miles plus from  
16 Manchester Avenue.

17 MR. TAYBACK: I wouldn't concede the two  
18 miles plus. The around the corner we are talking  
19 about, if you will review the record, would be  
20 from Manchester Avenue. Around the corner is --  
21 in fact, it is not right around a corner from  
22 Manchester Avenue. They're both in the  
23 Northwestern District portion of the city. I'll  
24 concede that it is not around the corner. If the  
25 State wants to me to rephrase --

1 THE COURT: Around the corner connotes  
2 even, if you don't hold one literally to around a  
3 particular corner, connotes --

4 MR. TAYBACK: Close.

5 THE COURT: -- very close distance,  
6 going down a block or two, then around the corner  
7 a block or two and according to Mr. Brave it  
8 doesn't even fit within that category.

9 MR. TAYBACK: The evidence we have, of  
10 course, is from Joanne Blunt. I mean, she's the  
11 only one who talked about it and she said it was a  
12 few blocks away. So, of course, if Mr. Brave  
13 wants to testify --

14 THE COURT: Mr. Brave, where precisely  
15 is Manchester Avenue?

16 MR. BRAVE: It's off of Reisterstown  
17 Road, I believe between Coldspring and Northern  
18 Parkway is my recollection.

19 MR. TAYBACK: Right. Agree. Navarro is  
20 close to Rogers.

21 MR. BRAVE: About a block from Rogers  
22 Avenue.

23 THE COURT: Near Wabash.

24 MR. BRAVE: That's way more than around  
25 the corner.

1                   MR. TAYBACK: Absolutely is. I don't  
2 even know what corner it would be, for that  
3 matter. The house is on Navarro and Groveland.  
4 If you don't like around the corner, I'll rephrase  
5 it but it is not far.

6                   THE COURT: It is not close either. I  
7 mean, it is not something you just take off and  
8 walk in a few --

9                   MR. TAYBACK: Obviously not. I guess  
10 you could. It's not that far.

11                  THE COURT: No, no, I live in that  
12 neighborhood and you don't walk, you don't walk  
13 from Manchester to Navarro Road.

14                  MR. TAYBACK: Doesn't seem far to me. I  
15 have been there and I would say, Mr. Brave, I  
16 don't know, I didn't measure it, whether it is a  
17 mile or what.

18                  THE COURT: It's over a mile. It's well  
19 over a mile.

20                  MR. TAYBACK: I would say neither.  
21 Well, in a mile at --

22                  THE COURT: It's well over a mile,  
23 believe me.

24                  MR. TAYBACK: It could be. I'll  
25 rephrase it if he objects to around the corner.

1           THE BAILIFF: Juror ten just asked me a  
2 question. Wanted to know if Mr. Tayback was a  
3 private counsel or a State. I told him --

4           THE COURT: Mr. Hargrove, I must insist  
5 on you not talking with them. If they got  
6 something to say, put it in writing.

7           THE CLERK: I didn't answer his  
8 question. I said I would ask.

9           THE COURT: I said don't even let them  
10 ask you the question. Let them put it in writing  
11 and submit it to the clerk because we are going to  
12 wind up with somebody saying something that is  
13 going to get transmitted the wrong way or at least  
14 they are going to come back and say I don't mean  
15 that and there you are going to be one holding the  
16 sandwiches. So please have them write it down.

17          THE CLERK: I wouldn't answer it for  
18 them.

19          THE COURT: You obviously can't answer  
20 it.

21          THE LAW CLERK: Oh, I wouldn't.

22          THE COURT: That goes without saying but  
23 I'm asking you.

24          THE LAW CLERK: I'll just tell them if  
25 they have any questions write it down.

1 THE COURT: Please write it down.

2 MR. TAYBACK: Okay.

3 THE COURT: We might as well stay here  
4 now. Even though you tell them to write it down,  
5 how do I deal with it? How do you want me to deal  
6 with a question like that?

7 MR. TAYBACK: I don't know.

8 THE COURT: Because I know exactly what  
9 the jury is getting at.

10 MR. TAYBACK: I don't.

11 THE COURT: Well, I certainly do.

12 MR. TAYBACK: I have no problems with  
13 the Court giving the truth. I mean, it's fine  
14 with me.

15 THE COURT: That's fine.

16 MR. MURPHY: What is the truth, I mean?

17 THE COURT: The truth is that Mr. --

18 MR. MURPHY: Private lawyer hired by the  
19 Public Defender's Office?

20 THE COURT: Are you a panel attorney?

21 MR. TAYBACK: Private attorney who is  
22 assigned, panel attorney.

23 MR. MURPHY: Privately employed by the  
24 Public Defender's Office.

25 MR. TAYBACK: That's fine. I don't know

1       where it is relevant. I have no objection to  
2       telling the truth.

3               THE BAILIFF: I told them if they have  
4       any questions write them down.

5               THE COURT: Please let's not get any  
6       communication going back and forth like that. All  
7       right.

8               MR. TAYBACK: Okay. My client needs to  
9       go to the bathroom.

10              THE COURT: He can go now.

11              (Whereupon, counsel returned to the  
12       trial table and proceedings resumed in open  
13       court.)

14              (Pause.)

15              MR. TAYBACK: Your Honor, there had been  
16       a question, I didn't know whether the Court wanted  
17       to answer the question.

18              THE COURT: No, I'll take care of it in  
19       due time.

20              Q       Miss Chew, strike that last portion of  
21       my question where I said around the corner,  
22       between Manchester Avenue and Navarro Road, you  
23       know the distance between the two. In any case,  
24       you went along to guide, if you will, the other  
25       two because supposedly Joanne didn't know her way,



1 is that correct?

2 A Yes.

3 Q You ended up as the driver of the  
4 vehicle, is that correct?

5 A Yes, I did.

6 Q This wasn't your vehicle, it wasn't your  
7 brother's vehicle?

8 A No, it wasn't.

9 Q It was the rental vehicle of Denise  
10 Coleman?

11 A Yes.

12 Q That is your testimony?

13 A Yes.

14 Q So you are driving along and you go to  
15 4711 Navarro Road. When do you arrive there, do  
16 you know?

17 A I don't know the time. No, I don't.

18 Q Was there anything out of the unusual or  
19 ordinary, excuse me, anything out of the ordinary  
20 or unusual in the neighborhood when you arrived?

21 A Nothing that I noticed.

22 Q You get out of the vehicle. Everybody  
23 else gets out of the vehicle, is that right?

24 A Yes.

25 Q Go in the house?

1           A     Yes.

2           Q     Everybody friendly at that point?

3           A     Yes.

4           Q     Any guns seen at this point?

5           A     No.

6           Q     See anything else unusual?

7           A     No.

8           Q     Anybody talking in an unusual fashion,

9           anybody threatening, belligerent, nasty?

10          A     No.

11          Q     You then go into the kitchen to make

12          your transaction, is that right?

13          A     Yes.

14          Q     The transaction is for what,

15          seventy-five dollars worth?

16          A     Yes.

17          Q     Is that the amount of money that is

18          proffered from whomever to Deborah Veney,

19          California Debbie?

20          A     You asking how much was given?

21          Q     Yes.

22          A     Yes.

23          Q     Who gave the money?

24          A     I don't know which one gave the money to

25          her.

1 Q Was it you?

2 A No, it wasn't me.

3 Q Was it Joanne?

4 A It was either Rudy or Joanne.

5 Q The money was placed where?

6 A Given to Debbie.

7 Q And what did she do it with it?

8 A She put it in her pocket.

9 Q What sort of garment did she have on?

10 A I don't remember.

11 Q Do you remember?

12 A She had pockets in whatever she had on.

13 Q If I suggested, if I suggested to you

14 she had some sort of black topcoat on that had

15 pockets in it, would that refresh your memory?

16 A I don't remember.

17 Q Where did the cocaine come from?

18 A Out of her pocket.

19 Q So she has got, in other words, whatever

20 the garment she's got on --

21 A She had two pockets.

22 Q -- got the cocaine in it and money, is

23 that right?

24 A Yes.

25 Q And, now, the money that was given was

1       seventy-five dollars. Did Deborah Veney ever say  
2       anything like, oh, I can't give you any more, any  
3       more cocaine?

4           A       Yes.

5           Q       She said that?

6           A       Yes.

7           Q       When did she say that?

8           A       Like I said, after she had given the  
9       drugs, after I had cooked the drugs.

10          Q       I understand what you are saying. I'm  
11       saying before, did she indicate that she had a  
12       limited supply and she could only give  
13       seventy-five dollars worth?

14          A       I believe she said that.

15          Q       Well, let me ask you a question then.  
16       Do you remember testifying briefly that among  
17       other things after the dispute developed, as you  
18       claim it did, that Deborah Veney in the face of  
19       this belligerency by you and the others claiming  
20       that --

21               MR. BRAVE: Excuse me, what page are you  
22       referring to?

23               MR. TAYBACK: Pages 71, 72, thereafter.

24               MR. BRAVE: Which page specifically?

25               MR. TAYBACK: 72.

1 MR. BRAVE: Which line?  
2 MR. TAYBACK: Just a moment. Let me  
3 count.  
4 MR. BRAVE: They're numbered.  
5 MR. TAYBACK: Lines, I guess, 18  
6 thereafter. How about that? 18, 19, 20, you like  
7 that?  
8 MR. BRAVE: 18 beginning, watching her  
9 cook it?  
10 MR. TAYBACK: Yes. All right?  
11 Q Do you remember saying that Deborah  
12 Veney then cooked up a second batch of cocaine?  
13 A Yes, she did. While I was there, she  
14 did.  
15 Q Right in front of you folks?  
16 A Yes, she did.  
17 Q After the dispute develops about the  
18 first cocaine?  
19 A Yes, she did.  
20 Q So she obviously had more cocaine then,  
21 didn't she?  
22 A Yes.  
23 Q So she wasn't limited in the amount of  
24 cocaine she could give because, as you said  
25 earlier, you only had seventy-five dollars?

1           A     True.

2           Q     So seventy-five dollars is given and  
3           supposedly she produces seventy-five dollars worth  
4           and you say she spoons it out, whatever number of  
5           spoons, whatever unit of measurement seventy-five  
6           dollars is worth, is that right?

7           A     Yes.

8           Q     And you are the one who cooks it up?

9           A     Yes.

10          Q     And then the dispute develops. Now, the  
11          dispute, according to you, develops because you  
12          say it doesn't look right, is that correct?

13          A     Yes.

14          Q     And then everybody is moaning about the  
15          lack of quality or lack of quantity?

16          A     Yes.

17          Q     And what does Deborah Veney do?

18          A     She said that she measured off, you  
19          know, she measured off seventy-five dollars worth  
20          and it wasn't her fault if it didn't come back  
21          because she had cooked some up and -- that's why  
22          she went and cooked some more.

23          Q     So she cooked some more up, is that  
24          right?

25          A     Yes.

1           Q     While you and everybody else are right  
2     there?

3           A     Right.

4           Q     Then what happened?

5           A     She cooked some up. She was getting  
6     high with it. She didn't give any more.

7           Q     So she, right in the face of all these  
8     arguments about how either the quality is bad, the  
9     quantity is bad, or the combination of the two,  
10    she takes several minutes, I guess, three minutes  
11    from what you have said before, to take more  
12    cocaine out of her pocket, cook it up herself so  
13    she can get high right in front of you people, is  
14    that right?

15          A     That's what happened.

16          Q     Is that what you are saying?

17          A     That's what happened.

18          Q     Now, after that occurs, what then? Are  
19    you still fussing and fighting?

20          A     Yes, it's an argument going on. Like I  
21    say, she was determined that she's wasn't giving  
22    any more.

23          Q     How about punches thrown, any punches  
24    thrown?

25          A     None that I knew of. None that I seen.

1 Q Well, you are right there?

2 A I said I didn't see.

3 Q How about pushing and shoving and any  
4 sort of physical violence? Wouldn't it be easy  
5 for a man to take the seventy-five dollars right  
6 out of her pocket?

7 A Yeah, for the average man it would seem  
8 like they would. It wasn't like that.

9 Q Wasn't anything preventing that, was  
10 there? That's where the money was, right there,  
11 wasn't it?

12 A As far as I knew that's where where it  
13 was.

14 Q That's where you saw it go. That's what  
15 -- you just told us that?

16 A That's what I am saying. That's what  
17 she did with it. That's where I seen her put it.

18 Q How did you end up in the living room?

19 A I walked from the kitchen to the living  
20 room. It was arguing going on there and everybody  
21 seemed to leave from the kitchen and ended up in  
22 the living room. Peaches was sitting in the  
23 chair, I was sitting on the couch and Joanne was  
24 in there and Rudy and Debbie, they were at the  
25 stairway. Like I said, the argument was still



1 going on.

2 Q What was the argument? Tell us, don't  
3 just say words were exchanged, what was the  
4 argument?

5 A Cussing and fussing going on. Debbie  
6 saying that she's not giving up no drugs or giving  
7 back no money and here, bitch, you going to give  
8 up something, Rudy was telling her.

9 Q Did he ever grab at her pockets to get  
10 the money out of them?

11 A I don't know.

12 Q According to your own testimony, Miss  
13 Chew, you couldn't have been any further from  
14 where you are right now to where the court  
15 reporter is or from where you are to where I am,  
16 is that right?

17 A That's right.

18 Q And you were watching what is going on,  
19 is that correct?

20 A Okay, like I said, I was sitting at the  
21 couch. They were at the stairway. Like I said,  
22 it was arguing, arguing going on. Like I say, I'm  
23 upset because the arguing is going on because, you  
24 know, of the language that is being used. I'm  
25 sitting in the chair. I'm ready to leave. I'm

1 ready to go.

2 Q You don't see any gun at all, do you?

3 A To my knowledge, I don't remember.

4 Q Miss chew, honestly, if you had seen a  
5 gun, you would remember that, wouldn't you? That  
6 would be something you would remember?

7 A It's possible. Like I say, the first  
8 time I remember seeing the gun is when I was in  
9 the car leaving after that had happened.

10 Q Did you see Deborah Veney going up the  
11 steps?

12 A Like I say, when she was standing on the  
13 stairway, he was -- both of them were on the  
14 stairs fussing, arguing.

15 Q Why was she going up the steps, do you  
16 know? Did you hear the conversation?

17 A He was, he was telling her, you know, to  
18 go get her money, or get him some more drugs.

19 Q Tell me this. Why, if you know, if you  
20 can come up with an explanation, why did she have  
21 to go and get his money if the money is right in  
22 the pocket?

23 A Okay, like I said, I saw Debbie put  
24 money in her pocket but also during the time that  
25 I was there, Debbie did leave and go upstairs and

1       come back downstairs. I can't tell you exactly  
2       when, but I do know that she went upstairs and  
3       came back.

4           Q       If you can't give the exact time, how  
5       about an approximate time? You are there --

6           A       I can't -- yes.

7           Q       -- you are cooking up the stuff. She's  
8       right there. Then she's cooking up the stuff.  
9       You are right there, then you all go into the  
10      living room --

11                  MR. BRAVE: Objection.

12          Q       -- and the fussing is going on --

13                  MR. BRAVE: Objection. Is this a  
14      question?

15          A       Yes.

16          Q       It's getting around to it. So when was  
17      it she went upstairs?

18          A       Like I, you know, said before, I don't  
19      remember exactly what point she went upstairs. I  
20      do know that she had went upstairs.

21          Q       But you have no idea when?

22          A       No, I don't.

23          Q       You have no idea why?

24          A       Why she went upstairs?

25          Q       Yes.

1           A     No, I don't.

2           Q     How long was she up there?

3           A     It couldn't have been long.  Maybe, you

4 know, a couple of minutes she was upstairs.

5           Q     What was Joanne Blunt doing at this

6 time?

7           A     At what point?

8           Q     What was Joanne doing at this time, at

9 the time the arguing is going on?

10          A     She was there.  Like I said, she was

11 there, like she was upset and she was there.

12          Q     Just there?

13          A     Yeah.

14          Q     You get out of there according to you,

15 is that right?

16          A     Yes.

17          Q     You just walk out of there, is that

18 right?

19          A     Yes.

20          Q     Then you are sitting in the car.  How

21 long are you sitting in the car?

22          A     I don't remember exactly how long it

23 was.  It seemed to me like ten, about ten minutes,

24 ten, fifteen minutes.  It didn't have to be that

25 long but that's how long it seemed.

1 Q Do you hear a shot?

2 A I heard, yes.

3 Q Did you see Joanne before or after the

4 shot?

5 A After.

6 Q When you saw Joanne after the shot, in

7 what sequence, if you can tell us, do you hear the

8 shot then immediately Joanne?

9 A I heard the shot and like a minute, no,

10 could have been a little less than a minute, about

11 a minute, Joanne came running out.

12 Q A minute is sixty seconds. You

13 understand that, don't you?

14 A Yes.

15 Q So then Joanne runs out in a minute or

16 less, and within a matter of feet, is that what

17 you are telling us, Reuben Rainey is behind her?

18 A Yes.

19 Q Are they both running?

20 A Yes.

21 Q Do you see anything in anybody's hands?

22 A Rudy had a gun in his hands.

23 Q So you saw that?

24 A Huh?

25 Q He was just holding it right in the air?

1           A       No, he was running with it in his  
2 hands. He had it down. It wasn't like he was  
3 running with it like this. When he came to the  
4 car, he had it in his hand.

5           Q       See anything else in his hands?

6           A       No, I didn't.

7           Q       You hear him say I got the money from  
8 the bitch or anything like that?

9           A       No, I didn't.

10          Q       You don't see any drugs on him, do you?

11          A       No.

12          Q       You get in the car, right?

13          A       Yes.

14          Q       He gets in the back seat from what you  
15 have said, right?

16          A       Yes.

17          Q       Here is Joanne too on the driver's side  
18 and you are going down the road, is that correct?

19          A       Yes.

20          Q       Somehow or the other the car is stopped,  
21 everybody gets rearranged in their positions, you  
22 drive off again?

23          A       Correct.

24          Q       Now, let me ask you a question. You are  
25 concentrating on what you are doing, but you are

1       also looking in the rear view mirror, right?

2           A       Yes.

3           Q       And you feel that a gunshot has been

4       heard by you, is that true?

5           A       Yes.

6           Q       And you, as far as you are able to

7       determine, have seen a gun in the hands of Reuben

8       Rainey as he runs out of the house which is why

9       you have heard the gun shot, is that right?

10          A       Yes.

11          Q       So he gets in the car and he's behind

12       you, is that true?

13          A       Uh-huh.

14          Q       What does he do with the gun?

15          A       He had the gun in his hand.

16          Q       He just holds onto the handgun in his

17       hands, is that right?

18          A       No, he have the gun in his hand sitting

19       in the back. He was doing something. He was

20       doing something in the back of the car.

21          Q       Miss Chew, do you believe that you would

22       remember it if he took the gun and handed it to

23       Joanne Blunt so that she could put it between her

24       legs as she is sitting in the front passenger seat

25       of the vehicle?

1 MR. BRAVE: Objection. Hold it.

2 THE COURT: Approach the bench.

3 (Whereupon, counsel and the Defendant  
4 approached the bench and the following conference  
5 ensued:)

6 MR. BRAVE: The question is totally  
7 improper and it is very vague. Do you believe  
8 that you would remember if you had seen the gun.  
9 I mean, it's an argumentative question. The  
10 proper question is did you see the gun or didn't  
11 you see the gun. Did you see her do something  
12 with the gun. Did you not see. Not whether you  
13 believe you would remember it if it happened.  
14 It's argumentative.

15 MR. TAYBACK: It is argumentative, yes.

16 (Whereupon, a note was handed up the  
17 from the jury.

18 THE COURT: Go ahead, I'm listening.

19 MR. TAYBACK: In response, it is a  
20 question that is basically going to her powers of  
21 recollection and her ability to recollect  
22 accurately facts that she has testified to as of  
23 this particular time frame, the morning hours of  
24 June 2, 1986. I'm posing to her a question that  
25 is based on factual evidence in the case. I'm



1 asking her whether she believes at that time if  
2 that had occurred she would have been able to view  
3 that. She can say yes or she can say no.

4 THE COURT: I'm going to sustain the  
5 objection. Counsel, you read this question.

6 MR. TAYBACK: I'll ask that, if I may.

7 THE COURT: Okay. I'll sustain the  
8 objection.

9 (Whereupon, counsel returned to the  
10 trial table and proceedings resumed in open  
11 court.)

12 THE COURT: Miss Chew, let me ask you a  
13 very simple question. Did you during the ride  
14 away from Navarro Road or Navarro Avenue ever see  
15 Joanne Blunt give or rather the Defendant give to  
16 Joanne Blunt the gun?

17 THE WITNESS: I don't remember seeing  
18 that, Your Honor. '

19 THE COURT: All right, go ahead, Mr.  
20 Tayback.

21 Q Before we leave the story about Navarro  
22 Road, how long do you claim that you were there  
23 with Joanne Blunt and Reuben Rainey on June 2,  
24 1986 during the --

25 A How long I was where with them?

1 Q 4711 Navarro Road?

2 A How long I was there all together?

3 That's what you asking, how much time?

4 Q Yes.

5 A I really don't know. I guess about  
6 maybe half an hour.

7 Q You didn't have a watch, did you?

8 A No, I wasn't keeping time either.

9 Q That's your best guess, best estimate?

10 A Yes.

11 THE COURT: Let me ask a question. How  
12 long does it take for you to cook up a batch of  
13 this cocaine?

14 THE WITNESS: About five minutes.

15 THE COURT: About five minutes?

16 THE WITNESS: Yes, at the most, three to  
17 to five minutes.

18 THE COURT: How long does the cooking  
19 process take?

20 THE WITNESS: About five minutes from  
21 start to finish.

22 THE COURT: Including the use of the  
23 grain alcohol the whole process takes five  
24 minutes?

25 THE WITNESS: About that, yes.

1 THE COURT: All right, go ahead, Mr.  
2 Tayback.

3 Q You say that you are in the vehicle.  
4 You are driving along. You have no instructions  
5 as to where to go, is that correct?

6 A Correct.

7 Q And then from the back comes Reuben  
8 Rainey saying take me to Poppy or take me to Lee?

9 A Yes.

10 Q At that point, because you are the  
11 person who took Poppy over to Greenmount Avenue,  
12 you know how to get there, right?

13 A Yes.

14 Q So you go over there, is that true?

15 A Yes.

16 Q During that ride you say that you saw  
17 Joanne Blunt wiping brains or blood or something  
18 like that off of Reuben Rainey?

19 A Yes.

20 Q That's in your presence? You are right  
21 there, is that correct?

22 A Yes.

23 Q Now, what was she using? Was she using  
24 her hands?

25 A She was just brushing with her hand.

1 Q Did you see any cloth used?  
2 A No, I didn't.  
3 Q Did you see any cloth used by Reuben  
4 Rainey while he was in the car?  
5 A No.  
6 Q Did you see him using anything to wipe  
7 himself?  
8 A No, he took his T-shirt off that he had  
9 on.  
10 Q So he takes the T-shirt off?  
11 A Uh-huh.  
12 Q What happens next?  
13 A Like I say, I'm driving. He had a  
14 duffle bag in there with him.  
15 Q What happens with the T-shirt is what  
16 I'm asking.  
17 A I'm saying I don't know. I'm driving.  
18 I just know he took the shirt off.  
19 Q Did you see him do anything with the  
20 T-shirt?  
21 A Not that I remember.  
22 Q Do you see anything on the shirt when it  
23 is taken off or before it is taken off?  
24 A I'm driving. It's still somewhat dark  
25 in the car because it's, like I say, it's early

1 morning.

2 Q Is your answer that you didn't see  
3 anything?

4 A Not that I remember.

5 Q Do you get eventually to Greenmount  
6 avenue?

7 A Yes.

8 Q Do you see any transfer of the gun at  
9 that time?

10 A Not that I -- I don't -- not that I  
11 remember.

12 Q Did you go into the house?

13 A Yes.

14 Q Poppy is there?

15 A Yes.

16 Q He's there with Robin Robinson?

17 A Yes.

18 Q You wake him up?

19 A Yes.

20 Q You tell him what happened?

21 A It is told to him what happened.

22 Q What happened then?

23 A What happened then. He got up. He got  
24 up and, you know, was conversation going on and we  
25 left there and went over to Manchester.

1           Q     Everybody just goes over to Manchester,  
2     is that right?

3           A     Yes.

4           Q     So that you then could proceed with the  
5     drug operation, is that correct?

6           A     Yes.

7           Q     As a matter of fact, you rented the room  
8     at what was it the Quality Motel or hotel or  
9     whatever that hotel is on Reisterstown Road?

10          A     What about it?

11          Q     You rented the room, isn't that right?

12          A     Yes, I have rented a room there.

13          Q     You did it the day after, didn't you?

14          A     Perhaps, I don't remember.

15          Q     So that you and Poppy can conduct the  
16     drug operation, isn't that true?

17          A     Perhaps.

18          Q     Now, on June 19th, 1986, the business is  
19     still in operation, isn't it, the drug operation?

20          A     Yes.

21          Q     As a matter of fact, drugs have just  
22     come down from New York again, isn't that true?

23          A     I don't know. It is possible.

24          Q     They happen to be there in your house,  
25     don't they?

1           A       There were drugs in my house.

2           Q       When the police come in, they happen to  
3 find them on your bed, didn't they?

4           A       True.

5           Q       They found twenty thousand dollars worth  
6 of cocaine and fourteen thousand dollars worth of  
7 cash, isn't that true?

8           A       Yes.

9           Q       Plus they found some handguns?

10          A       Yes.

11          Q       Also found in your dresser a sawed-off  
12 shotgun and a handgun, isn't that true.

13          A       Yes.

14          Q       Also found in your dresser was a plastic  
15 bag containing bloody clothing, isn't that true?

16          A       From what I'm told.

17          Q       But it's your dresser? Isn't that your  
18 dresser, the one in that room?

19          A       Yes, it is.

20          Q       From your kitchen they find bullets that  
21 match the gun?

22          A       From what I was told.

23          Q       And, of course, you don't say anything  
24 to the police until Poppy tells you to tell the  
25 truth?

1           A       That's not true.

2           Q       That's not true?

3           A       No, I didn't talk to the police until  
4 after I was charged with first degree murder.  
5 That's when I decided to talk.

6           Q       That's when Poppy tells you before you  
7 talk to the police to tell the truth?

8           A       This is after I was charged, yes.

9           Q       You are protecting Poppy, aren't you?

10          A       I'm not protecting anyone.

11          Q       You certainly are protecting yourself,  
12 aren't you?

13          A       You know, I'm doing what I have to do,  
14 tell the truth. It wasn't, you know, because --  
15 go ahead.

16          Q       You got yourself out of the first degree  
17 murder charge, didn't you?

18          A       Yes, I did.

19          Q       As to your drug charges, you expect to  
20 stay on the street, don't you?

21          A       I'm hoping but I don't know.

22          Q       You certainly expect to, don't you?

23          A       Of course. I'm hoping for the best.

24          Q       The State's Attorney, he got you  
25 released from jail, didn't he?



1           A     I guess.

2           Q     Well, you were in jail, the State's  
3 Attorney takes care of it, and you are out of  
4 jail, isn't that right?

5           A     Yes.

6           Q     So you certainly are taking care of  
7 yourself, aren't you?

8           A     Yes.

9           Q     As to Poppy, he's the one who provides  
10 you with your bread and butter and your cocaine,  
11 doesn't he?

12          A     He has.

13          Q     And he's the one who sets up the  
14 operation so that if somebody takes a fall, it's  
15 not him, its someone else, isn't that correct?

16          A     I don't know if that is correct or not.

17          Q     You know that's why the women are used,  
18 for example, isn't that true?

19          A     But that is their choice.

20          Q     That's their choice?

21          A     Yes.

22          Q     Poppy gives them a choice as to what  
23 they do?

24          A     No, I'm saying, you know, everybody  
25 speak for theirselves, you know. Nobody is forced

1 to do anything.

2 MR. TAYBACK: I have no further  
3 questions.

4 THE COURT: Are you saying that they do  
5 this knowing the risks?

6 THE WITNESS: Pardon?

7 THE COURT: You are saying these women  
8 take -- assume this role knowing the risks that  
9 they take?

10 THE WITNESS: Yes.

11 THE COURT: Mr. Brave.

12 REDIRECT EXAMINATION

13 BY MR. BRAVE

14 Q Miss Chew, it is a fact, is it not --

15 MR. TAYBACK: Objection, Your Honor.

16 THE COURT: I'll hear the question  
17 before I rule.

18 Q Strike that. The fact is, is it not,  
19 that LeRoy Boyce is a drug dealer?

20 A Yes.

21 Q He is a drug dealer of some size?

22 A Pardon me?

23 Q Is he a drug dealer of some size?

24 A Yes.

25 Q Does he have an entourage or a group of

1 people either working for him or under him that  
2 totals as many at times as fifteen people?

3 A Not that I know of.

4 Q Well, ten people?

5 A Yes.

6 Q Who he supports in many ways?

7 A Yes.

8 Q If he doesn't support them, he supplies  
9 them with drugs?

10 A Right.

11 Q All that is true?

12 A Yes, it is.

13 Q Who killed the two women?

14 A Rudy.

15 Q Were you there when it happened?

16 A I wasn't inside the house when it took  
17 place, no, I wasn't.

18 Q But you were there when you heard the  
19 sound of the gun?

20 A Yes.

21 Q You were there when you saw the  
22 Defendant running out?

23 A Yes.

24 Q You were there to drive him covered with  
25 brains over to Poppy's house?

1           A       I was.

2                   MR. BRAVE: I have no further questions,  
3 Your Honor.

4                   MR. TAYBACK: No recross, Your Honor.

5                   THE COURT: All right, Miss Chew, thank  
6 you. You may step down. We are going to break  
7 for the day. Ladies and gentlemen, I would ask  
8 that you follow the same procedure that you  
9 followed this morning with respect to picking up  
10 your money and come directly to this courtroom no  
11 later than 9:30.

12                   The admonition that I gave you before  
13 still applies. Please do not conduct any private  
14 investigations. Do not go to 4711 in Navarro Road  
15 or Manchester Avenue, and, most importantly, do  
16 not seek out or read any newspaper articles or  
17 other media accounts of the trial that has gone  
18 on. If you see the names of any of the  
19 participants in this trial in any newspaper  
20 bylines or headlines, I'd ask you simply to fold  
21 the paper and discard it. If you hear anything on  
22 the radio or television, please turn it off. I'd  
23 ask that you not follow any accounts of the trial  
24 in any external or independent source. This Court  
25 stands adjourned until tomorrow morning.

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(Whereupon, Court adjourned for the  
day.)



1 IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

2 STATE OF MARYLAND

3 INDICTMENT NO. 18626016  
4 18626017

5 VERSUS

6 REUBEN RAINEY

7 \_\_\_\_\_ / JULY 2, 1987

8 REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS

9 BEFORE:

10 THE HONORABLE ARRIE W. DAVIS, JUDGE  
11 AND A JURY

12 APPEARANCES

13 ON BEHALF OF THE STATE:

14 SAM BRAVE, ESQUIRE  
15 ASSISTANT STATE'S ATTORNEY

16 BRIAN MURPHY, ESQUIRE  
17 ASSISTANT STATE'S ATTORNEY

18 ON BEHALF OF THE DEFENDANT:

19 GORDON TAYBACK, ESQUIRE

20 REPORTED BY:  
21 Diane R. Walker  
22 Official Court Reporter  
23 507 Courthouse West  
24 Baltimore, Maryland 21202  
25

1 P R O C E E D I N G S

2 (Whereupon, the following proceedings  
3 were had with no jury being present:)

4 MR. BRAVE: I just told Detective Capers  
5 to go back to his hotel room which is across the  
6 street and he will probably be coming on at one  
7 o'clock. I had him over here because the next  
8 witness Mr. Robinson had not appeared.

9 THE COURT: He is going to be called  
10 after Mr. Robinson?

11 MR. BRAVE: Joanne Blunt is back here at  
12 Mr. Tayback's request and that is the reason I  
13 have asked for this hearing outside of the  
14 presence of the jury. After Robert Robinson gets  
15 on, I am going to read those letters that Mr.  
16 Tayback is going to question her about to make  
17 sure that it doesn't contain any objectionable  
18 material, and Mr. Tayback's assurance that he is  
19 not going to ask any questions about any  
20 objectionable material is not satisfactory to me.

21 I want to read it and make my own  
22 independent adversary decision as to whether there  
23 is any objectionable material in there so I can  
24 listen for the question and object if I hear  
25 objectionable material about to be inquired



1 about. So I am going to need time to read those  
2 letters and I am asking the court to agree with me  
3 that I should be able to read those letters before  
4 she is asked any questions about it.

5 THE COURT: Mr. Tayback.

6 MR. TAYBACK: Your Honor, I know of no  
7 basis on which the court can order me as defense  
8 counsel to hand over these letters to the State.  
9 Those that I use, if I use any at all, would be  
10 properly marked for identification purposes and it  
11 would be at that time that the State would have  
12 the right to review them and make any proper  
13 objections. Any letters that I do not use, of  
14 course, the State would not have the right to  
15 expect to review. They are private  
16 communications.

17 Further, Your Honor, it had been my  
18 intention and it is -- Perhaps I am not sure what  
19 Mr. Brave is indicating but, perhaps, he has Ms.  
20 Blunt here at the present time in his office or  
21 some other place in the victim unit. If so, as we  
22 had left yesterday, the information that I had  
23 received would be she would be back at one  
24 o'clock.

25 I had intended to use the luncheon

1 recess to go over these matters in private to  
2 determine whether an answer could be formulated,  
3 which was the truth, that would prevent or would  
4 preclude me from having to take the necessary step  
5 of introducing a very private communication which  
6 has substantial personal matters concerning her  
7 and her personal habits. So under those  
8 circumstances I think that the State's request is  
9 improper and I would refuse to exceed to it.  
10 There is no basis for it.

11 I would also indicate that this morning  
12 I received some greeting cards, I guess would be  
13 the correct term for them, from my client, one of  
14 which is from interestingly enough a person who  
15 identifies herself as Joanne Boyce, who would  
16 appear on the surface to be Joanne Blunt as we  
17 know her, and it is also signed by Fay who we  
18 would know as Nellie Chew. So I just received  
19 that this morning from my client.

20 In addition, there is an additional  
21 letter that or card that may be a matter of  
22 interest and, perhaps, subsequent controversy in  
23 this case all of which is to say I have no  
24 responsibility to turn them over to the State at  
25 this time. If they are going to be used, then it

1 would be marked appropriately for identification  
2 purposes and it would be at that time that the  
3 State would have the right to review and object if  
4 appropriate.

5 MR. BRAVE: Mr. Tayback is quite  
6 correct.

7 THE COURT: Are you filing a motion to  
8 suppress these letters?

9 MR. BRAVE: We will not unless I -- No,  
10 I think that is premature, Your Honor. I mean if  
11 that is the only way I can get on board, yes. I  
12 agree with Mr. Tayback this is not the proper time  
13 technically, but the practical aspect of it is  
14 that as soon as he marks something for  
15 identification I am going to want a five minute  
16 recess to read over that item.

17 Now, if you want to proceed that way,  
18 fine, but I am not going -- I ask that I not be  
19 thrust a letter and be asked to form or reach a  
20 decision within ten seconds whether or not to  
21 object to the letter or not. I want to have an  
22 opportunity to study the letter, just like I  
23 turnover statements to Mr. Tayback so we don't  
24 have interruptions during the trial. If you want  
25 to proceed that way, fine, but at the appropriate

1 time when it is marked for identification, please  
2 give me enough time to read the letters if that is  
3 the way the court wants to proceed.

4 As to another point Mr. Tayback makes, I  
5 wonder if he really meant to say that he is going  
6 to have a private session with a witness that is  
7 on the stand to determine whether to ask her  
8 questions. He can't mean that because I am sure  
9 the court doesn't want to allow that to happen.

10 MR. TAYBACK: I see no reason why the  
11 court would not allow that. The witness has been  
12 dismissed from yesterday to be basically recalled  
13 today sometime after one o'clock and, Your Honor,  
14 under those circumstances I think I may be able to  
15 preclude a substantial amount of the problem in  
16 this matter by not having to introduce any of the  
17 letters at all.

18 As you will recall, I asked her a  
19 question as to whether any of these letters had  
20 included anything which indicated she had  
21 expressed any concerns whatsoever about his  
22 involvement in the murders and her answer was not  
23 definite and that is why I say -- Well, I have the  
24 letters and I will show you the letters at the  
25 appropriate time. I will do so. There is no

1 reason not to.

2 The motion for sequestration which was  
3 made by both of us does not preclude me from  
4 discussing these matters with her. It would  
5 preclude me from discussing what other witnesses  
6 had said with her. It would certainly not  
7 preclude me from addressing potential questions to  
8 her to determine what her answers may or may not  
9 be, and it also would not preclude me from showing  
10 her these letters so that she can review these  
11 private correspondences to determine whether,  
12 indeed, there is anything there.

13 If there is nothing there, then her  
14 answer would be that it was never discussed by her  
15 with him, never raised by her with him.

16 THE COURT: Sorry to interrupt you, Mr.  
17 Tayback.

18 MR. TAYBACK: That is basically my  
19 response in that regard. Now, Your Honor, I would  
20 be indicating to the court, as I said, with  
21 respect to the communication with a return address  
22 indicated as Joanne Boyce, it is my understanding  
23 that this was delivered in some fashion by Joanne  
24 Boyce to the person she addressed as Mr. Ruddy  
25 Rainey and it is conceivable that I could get into

1       that matter with Deborah Blunt depending on how  
2       this happens to be delivered, or it may be that I  
3       will have to call Joanne Blunt back to the stand.  
4       I have no objection to showing this to the State  
5       at this time to preclude any problems in that  
6       regard because I suspect it may be introduced at  
7       some later point.

8               MR. BRAVE:   Can we have this marked for  
9       identification?

10              MR. TAYBACK:   I don't want it marked.

11              MR. BRAVE:   Then I am not going to take  
12       it.

13              MR. TAYBACK:   Well, I am offering to  
14       allow him to see it, but I am not introducing it  
15       into the case until I decide it is the appropriate  
16       time to do so if I make that decision.

17              MR. BRAVE:   We are on the record.   I  
18       think it is important that this be identified in  
19       some fashion.

20              MR. TAYBACK:   It can be identified if  
21       the court wishes to review it, but I am not  
22       introducing it into the case and I am not having  
23       it marked for identification purposes because I  
24       may decide not to use it.   I am not allowing then  
25       the State for whatever reasons to have access to

1 it if I don't want to have them access to it. I  
2 am the one who has to make that decision.

3 Now, if the court wishes to review it in  
4 some sort of pretrial hearing mode, I will have it  
5 marked in that regard. It can be marked. It can  
6 be read by the State, read by the court, and then  
7 that marking does not follow into the case  
8 itself. I will accept that if that is what the  
9 State wishes.

10 MR. BRAVE: As long as we can have it  
11 identified in some fashion as to what this is, I  
12 don't care if you want to label it pre-motion  
13 identification exhibit.

14 MR. TAYBACK: If you want to have it  
15 marked as defendant's exhibit one for this  
16 particular hearing, that is fine.

17 MR. BRAVE: I don't want to cut you off  
18 Mr. Tayback. Your Honor, Mr. Tayback stands here  
19 and says that he wants to talk to a witness who is  
20 on the stand, who he has told to come back today,  
21 because he didn't have some letters that he wanted  
22 to question her about in the middle of her  
23 testimony.

24 He wants to have a private pow wow to  
25 determine whether this witness on the stand should

1 be asked further questions without the State even  
2 being present to hear what he is talking about. I  
3 say that is grossly unfair. It is a dangerous  
4 precedent to follow, Your Honor. It just reeks of  
5 unfairness.

6 THE COURT: I don't know of any  
7 authority for the proposition, Mr. Tayback, that  
8 you have a right to do this. You're saying you  
9 know of nothing that precludes you from doing it.  
10 I know of nothing that authorizes you to do it.

11 MR. TAYBACK: I think that is where we  
12 stand. There is no reason to object to it. There  
13 is no basis to object. I think that is why we  
14 have to address it first.

15 THE COURT: I am not prepared to allow  
16 this kind of deviation or going off. If the State  
17 and defense want to get together with Ms. Blunt,  
18 fine, but this idea of one side taking her off to  
19 a corner and talking to her I am not going to  
20 allow that.

21 MR. TAYBACK: Well, I really have no  
22 objection to talking with her with the State  
23 present. I have no problems with that if that is  
24 the State's problem.

25 THE COURT: She doesn't have an



1 obligation to talk outside --

2 MR. TAYBACK: I know she doesn't have an  
3 obligation. I am assuming that she would be  
4 willing to talk. If she is unwilling to talk,  
5 then, of course, I can't talk to her. If the  
6 State is simply indicating that they either want  
7 one or both wish to be present when I am speaking  
8 with her, that is all right with me.

9 MR. BRAVE: That doesn't cure the  
10 problem. It is still reeks of unfairness. The  
11 witness is on the stand. She is under oath. This  
12 meeting is not on the record. It gets dangerously  
13 close to drawing our own credibility into the case  
14 at issue as to what our recollection of the  
15 meeting is. The witness is on the stand. Neither  
16 person should be able to talk to the witness while  
17 she is on the stand.

18 THE COURT: I think for once counsel has  
19 touched upon what may be a legal problem and, that  
20 is, the fact that we don't know what is going to  
21 come out of that meeting. We don't know whether  
22 at a later point someone is going to say, well,  
23 didn't you say thus and so. So this is the first  
24 suggestion of anything that really creates a real  
25 legal problem. Up until now counsel has pretty

1 much been saying what they want to do. I am not  
2 going to allow it.

3 MR. TAYBACK: Well, under those  
4 circumstances then, Your Honor, would the court do  
5 as follows: When Ms. Blunt does arrive here at  
6 whatever time she arrives, would the court have  
7 her -- Is she here already?

8 MR. BRAVE: She is here.

9 MR. TAYBACK: Is she in your offices?

10 MR. BRAVE: No, right outside.

11 MR. TAYBACK: Well, under those  
12 circumstances, could the court order her to remain  
13 until such time as I have the opportunity to  
14 attempt to speak with her, and I am not going to  
15 recall her at this time. I will call her in the  
16 defense case if I think it is appropriate.  
17 Therefore, she is no longer on the stand. I do  
18 have the right to speak with her and at that time  
19 I will make the decision as to what to do.

20 THE COURT: Mr. Brave.

21 MR. BRAVE: I don't see any objection to  
22 that procedure.

23 THE COURT: All right.

24 MR. TAYBACK: As long as she stays  
25 around, that is fine with me. As to the letter

1 that has been marked as defense exhibit number one  
2 for the motion, I have no objection to the State  
3 looking at it at this time if it wishes to do so.  
4 Obviously, I am not going to proceed with it at  
5 this point, but if the court, because we are on  
6 this matter right now, wishes to have that taken  
7 care of in some sort of fashion it is marked. The  
8 court has it now.

9 MR. BRAVE: So maybe telling Captain  
10 Capers to return at one o'clock was not such a  
11 good idea.

12 THE COURT: Why?

13 MR. BRAVE: Well, I guess we only have  
14 one witness.

15 THE COURT: If we just get started.

16 MR. BRAVE: Sure, we are ready to start.

17 MR. TAYBACK: There is one further  
18 matter with respect to Deborah Blunt that I wanted  
19 to raise as an issue to the court. It was the  
20 court's determination -- Obviously, I am not going  
21 to be calling her at this particular point or  
22 juncture in the case. This is with respect to  
23 another matter. The court yesterday precluded me,  
24 upon the State's objection, precluded me from  
25 entering into a certain avenue of questioning with

1       respect to Ms. Blunt.

2               What I had been attempting to elicit  
3       from her was whether my client had ever discussed  
4       with her any involvement in these two murders at  
5       that Townhouse Motel or otherwise, and the State  
6       objected, indicating that it felt that this was  
7       objectionable on the grounds of hearsay.

8               THE COURT:   Well, I understand they now  
9       agree with you.

10              MR. TAYBACK:   Well, I wanted to make  
11       sure of that before we go further.   Just a moment,  
12       Mr. Brave.   What I wanted to make clear is it  
13       would be hearsay if it is something where he said,  
14       no, I had no involvement whatsoever in these  
15       murders.   It would not be, or it would be hearsay  
16       but it would fall into an exception which would  
17       allow it as allowable hearsay into the case.

18              If he said, yes, I was involved in it, I  
19       would think that would fall into an admission by  
20       the defendant against his penal interests.   It  
21       would not be hearsay, would not be objectionable  
22       on its face or otherwise.   If her answer were, no,  
23       he never discussed it period.   In other words,  
24       there is no hearsay because nothing was said.  
25       Nothing was overheard and she is not responding

1 with any specific words or otherwise. She is just  
2 saying, no, it was never discussed.

3 The reason I think it is material and  
4 relevant if that no answer comes out is because  
5 the State has painted a picture of my client as  
6 being one who is boasting or bragging and telling  
7 people about his involvement in a murder or  
8 murders and describing in detail the joyous  
9 reaction or otherwise that he had after completing  
10 the dastardly deed.

11 In this case we would have a person  
12 saying, no, it was not discussed. He never said  
13 anything at all about it period. So I think it is  
14 material and relevant. As to counsel's suggestion  
15 that or the State's suggestion that it is hearsay,  
16 it certainly wouldn't be hearsay. As to the other  
17 two points I made, one would be hearsay. I won't  
18 get into that. The other one hearsay, but would  
19 be allowable under an exception which the State,  
20 of course, would delight in and I don't intend to  
21 get into that either. So I think she has the  
22 right to answer the question that I posed to her.

23 THE COURT: Mr. Brave.

24 MR. BRAVE: This underscores the  
25 ridiculous position Mr. Tayback wants to put the

1 State in. He wants me to argue about some  
2 question that is based on some letters without my  
3 being allowed to read the letters. I mean, how on  
4 earth do I respond to that without reading the  
5 letters. That is number one.

6 Number two, it seems to me Mr. Tayback  
7 is coming close to one of these exceptions which I  
8 hear about and have never used in fifteen years  
9 and, that is, an admission by silence. An  
10 admission by silence is admissible, I am told,  
11 although I never used it, under circumstances  
12 where people who are accused of having done  
13 something sit there and don't say anything.  
14 Sometimes the not saying something is considered  
15 relevant but it flows out of a situation where a  
16 response one way or the other, you would normally  
17 expect because a response is seemingly being  
18 called for. I don't know what setting --

19 THE COURT: That is not exactly the same  
20 thing because the question, as I understand it, is  
21 did he say anything to you about the murders.  
22 There is no question there. There is not a  
23 question that says did you murder the two girls.  
24 That is different. You follow what I am saying,  
25 but I am not agreeing with Mr. Tayback. I am

1 simply saying that the analogy you are making is  
2 not a pure analogy. You follow what I am saying?

3 MR. BRAVE: Yes, but I am saying did he  
4 say anything to you about the murders. You mean  
5 in the middle of sexual intercourse did he stop in  
6 mid stroke and start talking about the murders.  
7 In what setting, in what setting is this absence  
8 of a statement about the murders. He hasn't made  
9 that proffer and I think he is saying that the  
10 letters -- You know, in the letters is that  
11 background.

12 THE COURT: Well, I disagree with one  
13 other point that Mr. Tayback has made and he has  
14 said, of course, or certainly as though it is  
15 something that is so obvious that one need not  
16 even question it or do any research on it, the  
17 idea that a set of or a group of sentences or  
18 statements rather made, by which is contemplated a  
19 response, but which connotes it by not making a  
20 further statement, in and of itself would not be  
21 hearsay and I don't agree with that.

22 I think that there is authority for the  
23 proposition that that is hearsay, too, because it  
24 is attempting to convey information and to make a  
25 statement by the non statement which follows the

1 other statements, and I would simply ask counsel  
2 to brief the point and let me have some authority  
3 after the luncheon hour.

4 MR. TAYBACK: Well, I am not calling Ms.  
5 Blunt at this time but, Your Honor, if the court  
6 is so requesting briefing on the issue I will do  
7 so. Further what I didn't know Ms. Taggart was  
8 not going to be the stenographer this morning in  
9 the case. I will ask her to give us the exact  
10 point. The exact question on which the objection  
11 was made so I have the exact language and then we  
12 can detail it and I will detail it for the court  
13 and I will have the information for the court  
14 prior to Deborah Blunt taking the stand.

15 THE COURT: It is pretty close to, did  
16 he ever tell you anything about killing the two  
17 girls, something like that.

18 MR. TAYBACK: It was a question like  
19 that, yes, that is true.

20 THE COURT: I mean, so I think with or  
21 without Ms. Taggart's notes, I don't want any  
22 memoranda. All I need are a list of cases which,  
23 in effect, say that this is permissible. Mr.  
24 Brave, I am sure the State can find something that  
25 says that that is hearsay. The fact that it is



1 not a statement the fact, that it is not an  
2 affirmative statement does not preclude it from  
3 being hearsay.

4 MR. BRAVE: Very well, Your Honor.

5 THE COURT: All right, can we proceed  
6 with something, gentlemen?

7 MR. BRAVE: Sure.

8 THE COURT: Bring the jury down.

9 MR. BRAVE: We have a short witness who  
10 will take maybe twenty minutes. You may not want  
11 to do deal with this now. You may want to deal  
12 with it twenty minutes from now, but I want to  
13 give you as much advance notice as possible. Our  
14 second witness is Robert Robinson who was told to  
15 be here at nine. When I called his home at  
16 nine-twenty, I was informed that he had left ten  
17 minutes ago by automobile. He should be here.

18 THE COURT: Let's deal with that then.

19 MR. BRAVE: You don't want to deal with  
20 it now?

21 THE COURT: It may not be a problem.

22 MR. BRAVE: Okay, but if there is a  
23 problem, there is going to be a delay because the  
24 next witness --

25 THE COURT: Let's deal with that then.

1 Let's move forward now. Bring the jury down.

2 (Whereupon, the jury entered the  
3 courtroom, after which the following proceedings  
4 ensued:)

5 THE COURT: Good morning, ladies and  
6 gentlemen, the State and defense are ready to  
7 proceed.

8 MR. MURPHY: The State would call Robert  
9 Purvis.

10 ROBERT PURVIS,  
11 a witness produced on call of the State, having  
12 first been duly sworn, according to law, was  
13 examined and testified as follows:

14 THE CLERK: State your full name and  
15 present assignment:

16 THE WITNESS: Robert Nelson Purvis,  
17 Baltimore City Police Department, Latent  
18 Fingerprint Unit, Laboratory Division,  
19 Headquarters Building.

20 DIRECT EXAMINATION

21 BY MR. MURPHY

22 Q Mr. Purvis, are you a police officer or  
23 a civilian employee of the Police Department?

24 A I am a civilian employee.

25 Q And you work for the latent fingerprints

1 section?

2 A Yes.

3 Q What exactly is the latent fingerprint  
4 section and what do you do there?

5 A The latent fingerprint section examines  
6 latent prints recovered from the crime scenes. It  
7 makes identifications and comparisons to victims  
8 and defendants and it also processes evidence  
9 recovered from crime scenes for fingerprints.

10 Q How did you gain your expertise in  
11 evaluating and identifying and comparing latent  
12 fingerprints?

13 A I attended and completed the F.B.I.  
14 advanced latent print course. The F.B.I.  
15 classifications school, and I was certified at the  
16 F.B.I. Academy in 1981 as a latent print examiner  
17 by the International Association for Identification  
18 by taking the required examination. I also have  
19 eleven years experience on the job training.

20 Q And during those eleven years I imagine  
21 you have examined quite a few latent fingerprints  
22 or made comparisons thereof?

23 A Yes.

24 Q Do you have any idea how many?

25 A Hundreds of thousands.

1           Q     Now, Mr. Purvis, you are not the person  
2 who goes out to the crime scene and dusts and  
3 lifts the latent fingerprints, are you?

4           A     No, sir.

5           Q     Who does that?

6           A     The mobile unit technicians recover  
7 evidence from the crime scene.

8           Q     And is Sal Bianco one of those mobile  
9 unit technicians to your knowledge?

10          A     Yes.

11          Q     Directing your attention, Mr. Purvis, to  
12 a specific case, the one we are here for which was  
13 a double homicide which occurred June 2nd, 1986 at  
14 4711 Navarro Avenue, did you have occasion to  
15 receive from technician Sal Bianco some possible  
16 suitable latent fingerprints that he lifted from  
17 the scene of that double homicide?

18          A     Yes, I did.

19          Q     Do you recall when you received those  
20 possible suitable latent fingerprints?

21          A     On June 4th, 1986.

22          Q     Now, do you know how many possible  
23 suitable latent fingerprints you received?

24          A     Sal Bianco and John French recovered  
25 thirty-nine lifts from the crime scene. Out of

1       these thirty-nine, seventeen latent prints were  
2       suitable on thirteen lift cards.

3               Q       So of the total number they sent to you  
4       thinking they might be useful, seventeen were good  
5       enough for you as a fingerprint expert to compare?

6               A       Yes.

7               Q       And the ones that weren't good enough  
8       for you to use as a basis for comparison, why  
9       weren't they good enough if you know?

10              A       They were either smudged or smeared or  
11       they lacked enough characteristic points to make a  
12       comparison and identification.

13              Q       Now, these seventeen which were good  
14       enough for you to compare to somebody's prints,  
15       were you given at some point a list of people by  
16       someone to compare these prints to?

17              A       Yes.

18              Q       Who gave you this list?

19              A       A Detective Requer gave me a list of  
20       names to compare the latent prints to.

21              Q       Do you have that list with you?

22              A       Yes.

23              Q       Could you read very slowly this list to  
24       the ladies and gentlemen of the jury?

25              A       Reuben Rainey, William Cooper, Robert

1 Robinson, Dean Chew, Leroy Boyce, Deborah Lowe,  
2 Nellie Chew, Karen Carrington, Jeanette Brown,  
3 Denise Chew, Deborah Pearson, Joanne Blunt,  
4 Deborah Veney, Glenita Johnson, and Kirk Veney.

5 Q Among the people on that list, among  
6 those names was the name Reuben Rainey?

7 A Yes.

8 Q And also the name Leroy Boyce?

9 A Yes.

10 Q And also the name Nellie Chew?

11 A Yes.

12 Q And Joanne Blunt?

13 A Yes.

14 Q Did you also, Mr. Purvis, receive some  
15 items which Mr. Bianco did not dust but rather  
16 sent down to you to try to chemically raise  
17 suitable latent prints?

18 A Yes, I did.

19 Q What sort of items were they?

20 A The items were a Kentucky fried chicken  
21 box recovered from the kitchen stove at 4711  
22 Navarro Avenue. From the kitchen table four paper  
23 cups, one paper spool, one match box with matches,  
24 eleven cigarette butts from the ashtray on the  
25 kitchen table, numerous paper items from the top

1 layer of the trash can in the kitchen, numerous  
2 paper items from the trash can in the front  
3 bedroom, four cigarette butts from a large table  
4 in the front bedroom, a piece of match box with  
5 two matches from the dresser in the front bedroom,  
6 one match book in two pieces on a TV on a large  
7 table in the front bedroom, a piece of a bus  
8 schedule in a bag on the large table in the front  
9 bedroom, two pieces of paper from the bureau in  
10 the rear bedroom, two cigarette butts from a  
11 ashtray on the floor by the rear wall of the  
12 bedroom, a hand bill on a large table in the front  
13 bedroom, file card on a large table in the front  
14 bedroom, photographs from the bureau in the rear  
15 bedroom, a cup on a large table in the front  
16 bedroom, a paper bag in a large table on the front  
17 bedroom.

18 Q And were you as a fingerprint expert  
19 able to raise any suitable latent prints from the  
20 items you just mentioned?

21 A There were some smudges on these items  
22 but none to make a comparison.

23 Q So nothing came of your attempts to  
24 compare the paper items that Mr. Bianco sent down  
25 to you?

1           A     That is correct.

2           Q     Now, as to the list of people you read  
3 off whose actual prints you compared to the  
4 seventeen recovered from the crime scene, what  
5 conclusions, if any, did you reach?

6           A     Three of the latents recovered from the  
7 crime scene were eliminated with Deborah Veney.

8           Q     What do you mean by eliminated with  
9 Deborah Veney?

10          A     What I mean is that they belonged to  
11 her.

12          Q     Three of the prints at the scene  
13 belonged to Deborah Veney?

14          A     Yes.

15          Q     Do you know where those three prints  
16 were found?

17          A     Two of them came from a glass pipe on  
18 the kitchen table and one came from a rum bottle  
19 on the table in the bedroom.

20                THE COURT:   Glass pipe.   What kind of  
21 glass pipe?

22                THE WITNESS:   That is all Technician  
23 Bianco has on the back of the lift cards.   Pipe on  
24 kitchen table and Bicardi rum bottle on a large  
25 table in the front bedroom.   He doesn't describe



1        what kind of glass pipe.

2                THE COURT: I am just trying to  
3        ascertain whether we are talking about a glass  
4        pipe similar to a test tube or a glass pipe you  
5        smoke out of.

6                Q        Let me ask you this, Mr. Purvis. This  
7        glass pipe, however, actually was located on the  
8        kitchen table in this apartment?

9                A        Yes.

10              Q        So Deborah Veney's prints were on a  
11        glass pipe on the kitchen table. They were also  
12        on a rum bottle found where?

13              A        On the table in the bedroom.

14              Q        In the bedroom and were Deborah Veney's  
15        prints on something else in there?

16              A        No, they were not.

17              Q        All right, so it was the glass pipe on  
18        the kitchen table and a rum bottle?

19              A        Yes.

20              Q        Were you able to make any comparisons or  
21        any conclusions about any other people on that  
22        list and the fingerprints you were submitted?

23              A        Two latent prints were identified as  
24        impressions of the left index finger of Nellie  
25        Chew. They were recovered from a two hundred

1 milliliter bottle of cold spring grain alcohol on  
2 the kitchen table.

3 Q Mr. Purvis, let me show you what has  
4 been marked as State's exhibit number two. Is  
5 this the two hundred milliliter bottle of clear  
6 spring grain alcohol we are talking about as far  
7 as you know?

8 A Mr. Bianco recovered the prints from  
9 that bottle. He is the one that would know  
10 whether they came from that bottle.

11 Q But it was a two hundred milliliter  
12 clear grain alcohol bottle that Mr. Bianco dusted  
13 for prints?

14 A Yes.

15 Q And what fingers of Nellie Chew, was it,  
16 that were found on the bottle?

17 A Her left index finger.

18 Q Were you able to make any other  
19 conclusions in regard to the list of people and  
20 the prints submitted to you?

21 A From the crime scene itself?

22 Q Yes, from the crime scene first?

23 A From some narcotics paraphernalia that  
24 was recovered under property number 39314, one  
25 suitable print was eliminated with Kirk Veney.

1       There was another suitable one.

2               Q       Kirk Veney?

3               A       Kirk Veney.

4               Q       Do you know how old Kirk Veney is? Do  
5 you have any information about that yourself?

6               A       Not with me, no, no, sir. There was  
7 another suitable print recovered from a white box  
8 which was listed as narcotics paraphernalia. That  
9 was not identified to any of the fifteen people  
10 that the prints were compared to.

11              Q       All right, now, the white box was that  
12 something that Technician Bianco processed or is  
13 that something you processed?

14              A       That was something we processed.

15              Q       You say we, you mean your section  
16 downtown?

17              A       Yes, the latent print unit..

18              Q       Were any of the other prints found  
19 either by Technician Bianco or by your unit  
20 downtown able to be compared to anybody on that  
21 list?

22              A       Yes, all of the suitable prints were  
23 compared to everyone on the list.

24              Q       And the remaining suitable prints did  
25 not belong to anybody on that list?

1           A     No, sir.

2           Q     So what we are left with then is that  
3     Nellie Chew's prints were found on this bottle?

4           A     Yes.

5           Q     Deborah Veney's prints were found in  
6     there in the places mentioned and there were some  
7     other prints that did not belong to any of the  
8     people whose names were given to you by Detective  
9     Requer?

10          A     That is correct.

11          Q     Is that a fair statement?

12          A     Yes, sir.

13          Q     Now, one of the people you were asked to  
14     compare was there, a Glenita Johnson on that list?

15          A     Yes.

16          Q     Her prints were among the prints that  
17     you were able to compare, but her prints were not  
18     there?

19          A     That is correct.

20          Q     In other words, her prints were not  
21     found in that apartment?

22          A     Yes.

23          Q     Are you aware that she was found dead in  
24     that apartment?

25          A     Yes, sir.

1 Q So clearly she was in that apartment?

2 A That is correct.

3 Q When someone's prints are not found in a  
4 premises, does that necessarily mean that that  
5 person was not there or never was there?

6 A No, sir.

7 Q Why doesn't it mean that?

8 A Because fingerprints are very fragile  
9 evidence. To begin with, they are not as easy to  
10 obtain from a scene as people think or seem to  
11 think. Certain items that can be touched by the  
12 hands are not conducive to a good latent print  
13 being left on it. Item such as paper fabric, wood  
14 are what we call porous items and any deposit of  
15 perspiration or oil from the sweat glands that are  
16 touched by that item are absorbed by that item,  
17 which means it cannot be dusted very well to get a  
18 good latent print.

19 A good item to get a print off would be  
20 a hard glossy item such as ceramic or hard metal  
21 as long as it hasn't been handled by a lot of  
22 people or smeared or touched by someone that is  
23 perspiring too much or not enough.

24 If there is an atmospheric condition  
25 where there is too much heat or humidity, this

1 tends to interfere with a good latent being  
2 recovered. If a person has dirt or anything on  
3 his hands such as gloves, he is not going to leave  
4 a good fingerprint. If there is a transposal  
5 factor between the item and the person's prints or  
6 if the item has been moved, a good print would not  
7 be left on this item.

8 There are a lot of factors that  
9 determine whether a good suitable latent print can  
10 be found and compared to anyone that are taken  
11 into account when you recover latent prints.

12 THE COURT: In fact, some people are not  
13 secreters; is that true?

14 A That is true, but from my understanding  
15 there are very few people that are not secreters.

16 THE COURT: Well, what do you mean by  
17 that for the benefit of the jury? What is a  
18 secreter?

19 THE WITNESS: A secreter is a person  
20 that normally leaves a deposit of perspiration  
21 when they touch something. This is what is needed  
22 to obtain a good latent print. The pores on your  
23 hands and fingers and also your feet have sweat  
24 glands in them that secrete perspiration normally  
25 all of the time although you can't see it when an

1 item is touched.

2 This has to be developed with a  
3 fingerprint brush and a type of black carbon based  
4 powder that is spread over the item that is  
5 touched. The powder adheres to the perspiration.  
6 If a latent print is there, it will be developed.  
7 In other words, you can see it and a piece of tape  
8 is put over it and it is then lifted and the tape  
9 is put on a white record card and the back of that  
10 card is filled out as to where it was recovered,  
11 who recovered it, the time, and the date, the type  
12 of offense, and the central complaint number of  
13 that case.

14 Q Mr. Purvis, what you're saying then, of  
15 course, is that just because someone's prints are  
16 not found in a premises or on objects on the  
17 premises that does not mean, like in the case of  
18 Glenita Johnson, that the person was not there?

19 A That is correct.

20 Q The converse, however, is not true  
21 because if someone's prints are not found on  
22 something that does mean that person didn't touch  
23 that thing?

24 A Yes.

25 Q Now, as to, for example, Mr. Purvis,

1 Kirk Veney, you don't even know who Kirk Veney is?

2 A No, I don't.

3 Q You don't or are you able to tell when  
4 Kirk Veney's prints were placed on the object you  
5 found his prints on?

6 A No.

7 Q You can't tell that?

8 A No, there is no way to tell how long the  
9 print has been on an item.

10 Q It could have been June 2nd, it could  
11 have been June 1st, and so on down the line?

12 A Yes.

13 MR. MURPHY: Thank you, Mr. Purvis. No  
14 other questions on direct.

15 THE COURT: Cross examine.

16 CROSS EXAMINATION

17 BY MR. TAYBACK

18 Q Mr. Purvis, when all is said and done  
19 did you find any fingerprint of Reuben Rainey on  
20 any of this material that was taken from 4711  
21 Navarro Road on June 2nd, 1986?

22 A No, sir.

23 MR. TAYBACK: No further questions.

24 THE COURT: Thank you very much, Mr.  
25 Purvis.



1                   MR. BRAVE: We need to approach the  
2 bench at this point.

3                   THE COURT: Well, Mr. Murphy can check  
4 the hallway.

5                   (Whereupon, counsel and the Defendant  
6 approached the bench and the following conference  
7 ensued:)

8                   MR. BRAVE: I need a short break to find  
9 out where our next witness is. I have been  
10 informed that he left about forty minutes ago by  
11 automobile from Manchester Avenue.

12                  THE COURT: That is fine, but who is the  
13 witness after him?

14                  MR. BRAVE: John Capers is someone I  
15 could have called when I alerted you earlier  
16 because he is waiting across the street for a  
17 call.

18                  THE COURT: Okay. We will take our  
19 recess now.

20                  (Whereupon the Court recessed, following  
21 which the proceedings in this matter resumed with  
22 no jury present:)

23                  MR. BRAVE: I just told Detective Capers  
24 -- I just informed Detective Capers that the  
25 crisis as to the absence of Bobby Bird had

1 resolved itself and I want to put him on the stand  
2 now while he is here.

3 THE CLERK: The State satisfied that the  
4 witnesses have been sequestered?

5 MR. BRAVE: The State is satisfied.

6 MR. TAYBACK: Defense is satisfied.

7 Yes, I am.

8 THE COURT: Bring the jury down.

9 (Whereupon, the jury entered the  
10 courtroom, after which the following proceedings  
11 ensued:)

12 MR. BRAVE: The State calls Robert  
13 Robinson at this time.

14 MR. TAYBACK: Your Honor, I am going to  
15 object and we will need to meet at the bench.

16 THE COURT: What, Mr. Tayback?

17 MR. TAYBACK: I am going to object and I  
18 will request the court to meet us at the bench to  
19 argue the point.

20 THE COURT: Approach the bench.

21 (Whereupon, counsel and the Defendant  
22 approached the bench and the following conference  
23 ensued:)

24 MR. TAYBACK: Your Honor, previously the  
25 State had been unable to vouch for the credibility

1 of Robert Robinson, who is the witness that the  
2 State has now called as its own witness, as the  
3 court will recall, and the court did at that time  
4 call him as the court's witness.

5 He was called in the first trial in that  
6 regard because the State made the arguments under  
7 Scarborough versus State 50 Maryland App. 276, a  
8 1981 case which is predicated on other prior  
9 cases, among which would be Patterson versus State  
10 275 Maryland 563, a 1975 case that they could not  
11 vouch for his veracity, and I think that was the  
12 main problem there.

13 This was the existence of contradictory  
14 or inconsistent testimony or evidence from this  
15 particular witness. The State had indicated its  
16 necessity in that regard and at that time I think  
17 the State had indicated it had no hostility and I  
18 think the State had also argued and may not have,  
19 but I think the State also argued something about  
20 a relationship between the witness and the  
21 defendant.

22 All of which then begs the question at  
23 this point how does he suddenly go from a court's  
24 witness where he does not have that veracity and  
25 credibility to one where the State calls him as a

1 State's witness?

2 His statements are going to be  
3 presumably consistent with what he said before or  
4 else we will have perjury again. So if the State  
5 is arguing that his statements won't be the same  
6 as before so he doesn't commit perjury this time,  
7 perjury that is when compared to the first time,  
8 then how does he go from being a court's witness  
9 to a State's witness?

10 THE COURT: Well, I think what we have  
11 here is a direct reverse, I believe, of the  
12 concept of surprise. Normally, when the State  
13 interviews or anyone interviews a witness and  
14 obtains a statement or reviews an extra judicial  
15 statement which allows that party to then rely  
16 upon that statement in expectation of what the  
17 witness will testify to or, in fact, interviews  
18 that witness and has an expectation as to what  
19 that witness will testify to, at such time as the  
20 witness begins to testify and then all of a sudden  
21 it appears that that witness is not testifying in  
22 conformity with the position taken in the previous  
23 statement, or police report, or whatever, the  
24 prior statements, then at that point the party is  
25 allowed to claim surprise and come to the bench

1 and simply ask that for the benefit of explaining  
2 to the fact finder why they called the witness.

3 They can then ask that the court allow  
4 the witness to be cross examined by both parties  
5 to get through it. That is a different situation  
6 from requesting that the court call the witness as  
7 a court's witness from the very outset.

8 However, what we have here, I don't mean  
9 to speak for the State, but I am speaking only  
10 from what the court observed from the last trial,  
11 the State anticipated that Mr. Bird would, Mr.  
12 Robinson would not be a cooperative witness  
13 somewhere along the way.

14 During the course of the witness'  
15 testimony, it appeared that Mr. Robinson  
16 notwithstanding his connection and his  
17 relationship with the various parties in this  
18 circle of people involved in drugs did, in fact,  
19 present himself as a witness in a far more  
20 credible light than the State could possibly have  
21 ever imagined.

22 So there goes the surprise on the part  
23 of the State. That, indeed, what they had was a  
24 witness who was far more believable than they ever  
25 thought that he would be. I have never, in my

1 course of dealing with various legal issues, ever  
2 heard of reverse surprise, but that is, in  
3 essence, what we have here.

4 MR. TAYBACK: Well --

5 THE COURT: Now, I should let Mr. Brave  
6 speak for himself.

7 MR. BRAVE: Yes, Your Honor, I think  
8 you're right there.

9 THE COURT: In the ball park.

10 MR. BRAVE: Yes. Let me proffer what  
11 actually happened.

12 MR. TAYBACK: In the bleachers heading  
13 for the good seats.

14 MR. BRAVE: You have hit the nail right  
15 on the head. Before the first trial, I was also  
16 wondering and I viewed with some skepticism Bobby  
17 Bird's assertion to me in interviews that the  
18 reason he came down here was to look for his  
19 father. In all of the interviews he asserted that  
20 was his reason for coming down here.

21 In a pretrial interview with Leroy  
22 Boyce, Leroy Boyce surprised me with the real  
23 reason he came down here and that was to get rid  
24 of some heroin that he was holding in New York and  
25 thought that Leroy could sell it here in

1 Baltimore.

2 Just before Mr. Bird went on the stand,  
3 I told him that I now know why you are down here.  
4 He denied the business about the reason being he  
5 was down was to sell some heroin. When I got him  
6 on the stand, I explained to him that cooperation  
7 with the State as part of our plea bargain, our  
8 deal, meant telling the truth about everything  
9 including the narcotics.

10 THE COURT: Well, let me stop you for a  
11 minute because I want to make sure we have the  
12 word accurately there. The word you used with the  
13 State, was that cooperation or corroboration?

14 MR. BRAVE: Cooperation.

15 THE COURT: Because I didn't hear you  
16 right.

17 MR. BRAVE: It is right in the  
18 transcript. It is right in the transcript.  
19 However, I pinned him down. I said, look, I want  
20 you to tell the truth about everything including  
21 why you were down here and when I started asking  
22 him about that, he told the truth which he had  
23 denied ten minutes earlier out in the corridor.  
24 So now that he is telling the truth --

25 THE COURT: Why didn't you then shift

1 your position before he testified? I mean, you  
2 had initially asked the court to call him as a  
3 court's witness? Why didn't you say, well, never  
4 mind, you follow what I am saying?

5 MR. BRAVE: I hear what you're saying.  
6 In other words, after he testified truthfully  
7 about the heroin?

8 THE COURT: No, no, not testified.  
9 After you talked to him and you saw that he was  
10 going to be truthful?

11 MR. BRAVE: No, I didn't find this out  
12 until he was on the stand.

13 THE COURT: Okay, then.

14 MR. BRAVE: On the stand he told the  
15 truth and then you remember I asked him, well,  
16 what did you do with the heroin and I didn't even  
17 know what he was going to say and he said --

18 THE COURT: That is consistent with what  
19 the court said.

20 MR. BRAVE: Right.

21 THE COURT: You were surprised during  
22 the course of the testimony.

23 MR. BRAVE: Right, exactly.

24 THE COURT: I thought you were now  
25 saying that you found out just before he



1 testified.

2 MR. BRAVE: No.

3 THE COURT: What he was saying --

4 MR. BRAVE: I found out just before he  
5 testified that he was going to continue to stick  
6 with this story.

7 MR. TAYBACK: Well, what the State is  
8 basically proffering to the court is the  
9 following: That under oath before a grand jury,  
10 the State would acknowledge that he lies and then  
11 under oath --

12 MR. BRAVE: If he was asked that  
13 question, you know, you have to show me where he  
14 was asked that question.

15 MR. TAYBACK: We have got the  
16 transcript.

17 MR. BRAVE: If he was asked that  
18 question, yes, he lied, but I don't know if he was  
19 asked that question.

20 MR. TAYBACK: It is in the transcript.  
21 Then, number two, you're saying that under oath he  
22 comes up with a different story that you say is  
23 now the truth because it was consistent with what  
24 LeRoy Boyce said. I understand the court's  
25 point.

1                   What the court is saying is that the  
2                   State asked for and received permission to call  
3                   him as a court's witness the first time because  
4                   the State was essentially indicating it had no  
5                   knowledge of what he was going to say. This time  
6                   they are claiming they do have knowledge of what  
7                   he is going to say and they believe now that he is  
8                   telling the truth.

9                   THE COURT: That is not exactly right.  
10                  The reason the court allowed him to be called as a  
11                  court's witness because the State was representing  
12                  to me, and I don't know whether they got' into the  
13                  details about the story, about coming down here to  
14                  find his father, but that is what the State  
15                  believed he was going to do and all of a sudden he  
16                  didn't. That wasn't his story anymore.

17                  MR. BRAVE: Yes, exactly that is what  
18                  the State is saying. His story somehow changed  
19                  and became consistent with what the State believes  
20                  is the truth.

21                  THE COURT: I am just trying to clear up  
22                  the statement that you made that the State didn't  
23                  know what he was going to say. They thought they  
24                  knew what he was going to say and they thought he  
25                  was going to lie.

1           MR. TAYBACK: I don't think Mr. Brave is  
2 saying that.

3           THE COURT: You are not saying that?

4           MR. BRAVE: What I am saying is that he  
5 continued to say no that wasn't the reason.

6           THE COURT: And you thought he was going  
7 to lie on the stand, but he didn't lie on the  
8 stand. That is what you're saying?

9           MR. BRAVE: Exactly.

10          MR. TAYBACK: Okay. I understand Mr.  
11 Brave's point. Now, I still think it is  
12 inappropriate under the circumstances for a person  
13 who is called once as a court's witness to then  
14 become a State's witness just because he says what  
15 the State wants him to say.

16          THE COURT: It is not a question of  
17 that, and I would assume because what you are  
18 suggesting there on the flip side or the extension  
19 of what you're saying, even though that is not  
20 what you mean, is somehow or another it is only  
21 when the witness testified the way the State wants  
22 him to testify.

23          If the State is carrying out its oath,  
24 then the only way that the State would be  
25 proceeding in this fashion is that the State

1 believes, in fact, that the witness is now telling  
2 the truth and the State is in no better position  
3 than anyone else in that regard. I mean, if they  
4 believe it, then they stand behind it. They vouch  
5 for him.

6 MR. TAYBACK: Right, exactly. What I am  
7 saying is you have now a situation which the  
8 individual was called as a court's witness because  
9 his earlier testimony -- because of what another  
10 witness says -- is not believed by the State and  
11 then he comes up with a different story on the  
12 stand which is then consistent with what the State  
13 believes to be the truth.

14 I am not saying that the State is asking  
15 him to lie. I am saying that the State believes a  
16 certain factual scenario to be the truth. When he  
17 is consistent with that, the State then says,  
18 well, we can vouch for his credibility.

19 How can you vouch for credibility for a  
20 person who basically, even the State concedes, is  
21 giving different versions of different stories and  
22 saying that both are true at different times?

23 THE COURT: Well, they are not conceding  
24 that.

25 MR. TAYBACK: It is the last one that

1 comes up that the State decides is true.

2 THE COURT: They are not conceding that  
3 at this point. They are saying, number one, with  
4 respect to the grand jury testimony, they don't  
5 know whether he was asked the question that deals  
6 with that issue.

7 With respect to what he was going to say  
8 regarding why he came down here and other related  
9 matters, the State is saying he lied and lied and  
10 lied right up to the time he got on the stand, and  
11 then the State, based on information it had from  
12 other sources, asked questions of him and  
13 ultimately he said things which the State believes  
14 are corroborated by other informational sources  
15 which leads the State to now believe that he is  
16 telling the truth on the stand.

17 So we really don't have -- We have a  
18 situation where the State believes or vouches for  
19 what he said on the stand before but had no  
20 reason, according to what Mr. Brave is saying, of  
21 knowing before he testified the last time that he  
22 was going to testify in the State's judgment  
23 truthfully.

24 MR. TAYBACK: Well, I understand the  
25 State's position and I have made my objection and

1 the court has to rule on it.

2 THE COURT: Well, the ruling is that the  
3 witness will be allowed to be called by the State  
4 now.

5 (Whereupon, counsel returned to the  
6 trial table and proceedings resumed in open  
7 court.)

8 MR. BRAVE: Before you do that, for the  
9 record only, the State now calls Robert Robinson  
10 to the stand.

11 THE COURT: Yes. That is what you did  
12 before, Mr. Brave.

13 MR. BRAVE: Okay.

14 ROBERT ROBINSON,  
15 a witness produced on call of the State, having  
16 first been duly sworn, according to law, was  
17 examined and testified as follows:

18 THE CLERK: State your full name and  
19 present address.

20 THE WITNESS: Robert Robinson, 47 West  
21 175th Street, the Bronx, New York.

22 DIRECT EXAMINATION

23 BY MR. BRAVE

24 Q Good morning Mr. Robinson.

25 A Good morning, sir.

1 Q Before we start, sir, I would like to  
2 ask you to sit up nice and straight and talk right  
3 into that mike. Make sure everybody hears you  
4 good and strong, okay?

5 A Okay.

6 Q Mr. Robinson, I want to take you back to  
7 June the 18th, 1986. Did you have occasion on  
8 that date to arrive in Baltimore City?

9 A Yes, I did.

10 Q Where were you traveling from?

11 A I was traveling from New York City.

12 Q And where were you living at that time?

13 A 47 West 175th Street, Bronx, New York.

14 Q Did you travel from New York to  
15 Baltimore alone or in company with someone else?

16 A I was in the company of someone else.

17 Q And who was that person?

18 A Mr. Edward Cooper.

19 Q And how did you and Mr. Cooper travel  
20 from New York to Baltimore?

21 A We traveled on the AMTRAK.

22 Q The train?

23 A Yes.

24 Q Before June 18th, 1986 what, if any,  
25 contact, had you ever had with Baltimore City?

1           A       Would you repeat that question?

2           Q       Let me approach it this way. What city  
3 were you born in?

4           A       I was born in Baltimore.

5           Q       And did you live in Baltimore for a  
6 period of time as an infant?

7           A       The last time I lived in Baltimore I was  
8 about five months old, to my knowledge, as I was  
9 told by my parents.

10          Q       Okay. When you left Baltimore, where  
11 did you go?

12          A       We moved to Norfolk, Virginia.

13          Q       All right, eventually did you wind up in  
14 New York City?

15          A       Yes, sir.

16          Q       Had you ever come back to Baltimore for  
17 a visit?

18          A       The last time I came for a visit was in  
19 1979.

20          Q       All right, from 1979 until June the  
21 18th, 1986, had you ever stepped foot in Baltimore  
22 City?

23          A       I believe that I did come once when I  
24 was about nine or ten.

25          Q       Okay. But between 1979 and 1986, was



1       there any contact between you and Baltimore City?

2           A       No.

3           Q       Okay. Mr. Robinson, you are testifying  
4       today under an agreement with the State; is that  
5       correct, sir?

6           A       Yes, sir.

7           Q       We have agreed to do certain things for  
8       you and you have agreed to do certain things for  
9       us?

10          A       That is correct.

11          Q       Is the certain things that you are going  
12       to do for us to get on this stand and tell us  
13       everything you know about the events from June the  
14       18th, 1986 until you were released on bail  
15       sometime in early August, 1986?

16          A       Yes.

17          Q       And traveling the other way what we are  
18       going to do for you, we got your bail reduced to  
19       nothing?

20          A       That is correct.

21          Q       On condition that you would return when  
22       asked to testify?

23          A       That is correct.

24          Q       We also agreed to bring this cooperation  
25       to the attention of a judge in a narcotics case

1       that is pending against you?

2           A       Yes.

3           Q       Now, is that narcotics case that is  
4       pending against you, a narcotics case arising out  
5       of an arrest that took place the day you arrived  
6       at 862 West Fayette Street on June 19th, 1986?

7           A       That is also correct.

8           Q       And that is -- and a bail was placed on  
9       you as a result of that arrest?

10          A       Yes.

11          Q       And it is that bail that we reduced to  
12       nothing?

13          A       Yes.

14          Q       And that charge is still pending against  
15       you?

16          A       That is correct.

17          Q       And if we should decide to pursue that  
18       charge try to get a conviction, we would bring  
19       your cooperation in this trial here to the  
20       attention of the judge in your narcotics case?

21          A       Yes.

22          Q       And you know that judge is going to be  
23       this judge right here, Judge Arrie Davis?

24          A       I really didn't know that, no.

25          Q       Well, if you didn't, let me inform you

1 it will be?

2 A Yes.

3 Q Now, with that as background, why did  
4 you come to Baltimore City with Edward Cooper on  
5 June 18th, 1986?

6 A On June 18th, 1986 we decided to come to  
7 Baltimore because I was given a half an ounce of  
8 heroin from an African friend of mine to sell and  
9 beings that things were quite slow in New York as  
10 far as getting rid of it, Edward Cooper decided  
11 that I should accompany him to Baltimore because  
12 he had some friends here that would help him and I  
13 get rid of it.

14 Q This African friend of yours -- I can  
15 understand if you don't want to get into details  
16 as to his identity. I am not going to put you in  
17 that position, but let me ask you this. Were you  
18 sort of a new salesman, or had you had a long  
19 relationship with this friend of yours?

20 A I had just met him.

21 Q And were you or were you not anxious to  
22 show him that you could move this heroin along?

23 A Yes, I was.

24 Q And so with that as background, why did  
25 you choose Baltimore to come to?

1           A       Really because, as I said, Edward Cooper  
2       had friends here and the going price here is twice  
3       as much as it is in New York.

4           Q       The friend that Eddie, the friends that  
5       Edward Cooper had here would one of those have  
6       been Leroy Boyce?

7           A       Yes.

8           Q       Now, Leroy Boyce was not a stranger to  
9       you, was he?

10          A       No, I knew him also.

11          Q       You knew him from New York days?

12          A       Yes.

13          Q       He at one time was a New Yorker?

14          A       Yes.

15          Q       As a matter of fact, he once worked for  
16       you?

17          A       Yes.

18          Q       As a matter of fact, you taught him a  
19       lot of what he knows now today?

20          A       In some senses, I would say yes.

21          Q       At one time your life was -- Let me put  
22       it this way. At one time you were living well.  
23       Would that be a fair statement to make?

24          A       That is fair, yes.

25          Q       Well, were you planning to just be put

1 in touch with some friend of Edward Cooper or were  
2 you planning to approach Leroy Boyce concerning  
3 this heroin?

4 A Well, the main purpose was to visit  
5 Leroy Boyce for him to purchase the product.

6 Q Purchase all of it, some of it, or what?

7 A All of it.

8 Q So that you could go back to your friend  
9 in New York and say look I got rid of it all?

10 A That is correct.

11 Q And you would be getting Baltimore  
12 prices, not New York prices, you might have a  
13 little more for yourself?

14 A That is correct.

15 Q If you remember, how long had it been  
16 since you had last seen Leroy Boyce?

17 A I am not sure, but it had to have been  
18 the middle '70's.

19 Q So it had been some years?

20 A Yes.

21 Q When the train arrived in Baltimore  
22 City, did you and Edward Cooper go to a particular  
23 location?

24 A Yes, we arrived at 3735 Manchester  
25 Avenue in Baltimore.

1           Q     How did you arrive -- How did you get  
2     there?

3           A     We took a cab from the train station.

4           Q     When you arrived at, what is it 3735?

5           A     Yes, sir, Manchester.

6           Q     Manchester. Who was there?

7           A     To my knowledge, Mr. Leroy Boyce, a  
8     fellow known as bus driver. I don't know his  
9     correct name, a young lady named Joanne Blunt I  
10    believe her name is.

11          Q     Let me stop you for a moment. Hold the  
12    thought.

13          A     Yes.

14          Q     Did you ever at any time refer to the  
15    person you referred to today as Joanne Blunt as  
16    Joan Jackson?

17          A     Yes, I did.

18          Q     So in your mind Joan Jackson and Joanne  
19    Blunt are the same person?

20          A     That is correct.

21          Q     Okay. LeRoy Boyce was there. Joanne  
22    Blunt was there?

23          A     Uh-huh.

24          Q     Bus driver was there?

25          A     A young lady by the name of Jeanette.

1 Another young lady by the name of Coco, Denise  
2 Coleman, and I believe that was it.

3 Q Okay. Now, upon your arrival, for the  
4 moment just yes or no, did you have a conversation  
5 with Leroy Boyce?

6 A Yes.

7 Q Was anyone else part of this  
8 conversation you were having with Leroy Boyce?

9 A Mr. Cooper, the fellow that I came here  
10 with, he was involved in the conversation.

11 Q And this conversation that I am  
12 referring to how long did that -- How long after  
13 you walked in the door, did this conversation take  
14 place?

15 A I would say shortly after we arrived.

16 MR. BRAVE: At this point, Your Honor,  
17 it might be appropriate to approach the bench.

18 THE COURT: Approach the bench.

19 (Whereupon, counsel and the Defendant  
20 approached the bench and the following conference  
21 ensued:)

22 THE COURT: Mr. Brave.

23 MR. BRAVE: Yes, sir, Your Honor, after  
24 the conversation, as you are aware from the last  
25 trial, is the conversation in which Leroy Boyce

1 says can you believe what Rainey did a few weeks  
2 ago. He shot two women, et cetera. That is the  
3 conversation. Now, of course, that is hearsay if  
4 offered for the truth of the matters asserted  
5 therein.

6 In this case, however, the witness came  
7 away from that conversation with a state of mind.  
8 That state of mind being that he -- His state of  
9 mind was, particularly, after his arrest the  
10 following day and the police were asking him about  
11 two murders, his state of mind was I have some  
12 information which could possibly help me in the  
13 process of helping the police solve this murder  
14 that they were talking about.

15 So I believe in order to avoid getting  
16 into the contents -- There is two ways to do it.  
17 We can get into the contents of it and have the  
18 jury instructed that this is only admissible for  
19 the purposes of the witness' state of mind. That  
20 is one way to do it.

21 The other way to do it is to ask the  
22 witness that as a result of this conversation did  
23 he feel that he had valuable information  
24 concerning who had committed a recent homicide  
25 that had, a recent double homicide that had taken



1 place here in Baltimore City.

2 MR. TAYBACK: Your Honor, in response  
3 certainly it is hearsay I would argue to the  
4 court. It doesn't fall into any state of mind  
5 exception or any other exception. The State can,  
6 if it wants to, elicit from this witness that he  
7 spoke with Leroy Boyce and they can leave it at  
8 that if they want to and they can go further at a  
9 later time and attempt to introduce it through  
10 this witness, but what this witness would claim  
11 that my client said to him are declarations  
12 against his penal interests.

13 I don't see how the other comes into  
14 play especially in light of the factual scenario  
15 that the State presents as being true which is  
16 that this person didn't contact the police until  
17 such time as he had spoken with Reuben Rainey and  
18 Leroy Boyce in front of Edward Cooper over at the  
19 Baltimore City Jail. If that is what the State is  
20 claiming to be true, that is, the factual scenario  
21 that the State presents, it doesn't have anything  
22 to do with 3735 Manchester Avenue on June 18th  
23 except for maybe some sort of table setting.

24 It would allow the State to introduce  
25 objectionable material which, on the other hand,

1 the court never allows me to introduce, always  
2 sustaining the State's objection on the same basis  
3 saying that it is clearly hearsay and not  
4 allowed. I think that what is sauce for the goose  
5 is sauce for the gander. That is what it comes  
6 down to.

7 If the State is unwilling to allow in  
8 information in the case, so be it. The State then  
9 shouldn't have leave to do whatever it wants to  
10 do. It is hearsay. It is objectionable, and the  
11 objection should be sustained. Since the State is  
12 aware of the problem ahead of time, the State  
13 should be instructed not even to proceed into that  
14 area of questioning at this time.

15 MR. BRAVE: Mr. Tayback just brushes  
16 aside without even explanation or authority that  
17 it is not a state of mind exception. It most  
18 certainly is. It is relevant in this case as to  
19 how the police eventually got the information that  
20 resulted in these charges. The first witness to  
21 crack was Robert Robinson who is in jail, knowing  
22 from his conversation,, knowing early on, as early  
23 as June the 19th, 1986 that he can help the  
24 police. It is true he doesn't come forward until  
25 October 31st, but from June 18th on he knows he

1       can help the police.

2               MR. TAYBACK:   It is not October 31st.  
3       It was well before that.

4               MR. BRAVE:    No, August, July 31st.

5               MR. TAYBACK:   July 30th.

6               MR. BRAVE:    July 31st.   I believe from  
7       June 18th until July 31st he knows he is in a  
8       position to help the police.   While in jail his  
9       state of mind that he is in a position to help the  
10      police is enhanced and corroborated by  
11      conversations he has directly with Reuben Rainey  
12      and I believe that is important for the jury to  
13      have.

14              If Mr. Tayback doesn't want me to go  
15      into everything that Poppy said fine, but I think  
16      it is material.   That as a result of that  
17      conversation, would it be fair to say that you had  
18      some knowledge of who had committed, who you  
19      thought had committed --

20              THE COURT:   Gentlemen, I don't want to  
21      drag this out.   I will overrule the objection.

22              MR. BRAVE:    Can I just lead him right  
23      into it and that person was Reuben and in your  
24      mind you thought --

25              THE COURT:    I have overruled the

1 objection.

2 (Whereupon, counsel returned to the  
3 trial table and proceedings resumed in open  
4 court.)

5 THE COURT: Mr. Brave.

6 Q Mr. Robinson, sir, I just want you to  
7 just give me a yes or no answer to the next series  
8 of questions.

9 A Yes.

10 Q When we left off, we were talking about  
11 a conversation that took place at 3735 Manchester  
12 Avenue shortly after your arrival in Baltimore  
13 City on June 18th when you arrived with Edward  
14 Cooper and it is a conversation you are having  
15 with LeRoy Boyce and Edward Cooper?

16 A Yes.

17 Q When that conversation was finished, did  
18 you in your own mind think that you might have  
19 knowledge of a double homicide that had occurred  
20 in Baltimore City several weeks in the past, and  
21 did you think in your own mind that you might have  
22 knowledge of who had committed those two  
23 homicides?

24 A Yes.

25 Q And in your mind did you think that the

1 person who might have committed those two  
2 homicides was the defendant Reuben Rainey sitting  
3 over there at the trial table?

4 A Yes.

5 Q Okay. We are finished now with the yes  
6 or no. We can return now to regular questions.  
7 Now, that was on June 18th. What time of the day  
8 or night did this conversation with LeRoy Boyce  
9 take place?

10 A Like I said earlier, it was shortly  
11 after we arrived. I believe we arrived --

12 Q I know you weren't looking at your  
13 watch. Was it day or night?

14 A It was day or night.

15 Q Which would be?

16 A I mean, excuse me, it was around, rather  
17 in the evening. It was still daylight.

18 Q Daylight. And it is sometime in the  
19 evening?

20 A Yes.

21 Q Afternoon possibly or before six, after  
22 six, do you remember? If you don't, you don't.

23 A I believe it was shortly after six, but  
24 I am not quite sure.

25 Q Whenever it was. Okay. Now, did you

1 have occasion the next day June 19th to be present  
2 at 862 West Fayette Street?

3 A Yes.

4 Q Did you still have that package of  
5 heroin on you that you were hoping that Poppy was  
6 going to sell for you?

7 A Yes.

8 Q Were you up on the third floor when the  
9 battering ram hit the door?

10 A Yes, I was.

11 Q Were you in that room with other  
12 individuals when the police came in?

13 A Yes, sir.

14 Q And they captured or seized a quantity  
15 of cocaine; is that correct?

16 A That is correct.

17 Q How many ounces is it, do you recall,  
18 that were there on that bed if you know?

19 A I have no knowledge of the quantity,  
20 sir.

21 Q What do you think? What do you think  
22 was there, a lot, a little?

23 A It was quite a bit.

24 Q Was there some cash out there, too?

25 A Yes, sir.

1 Q Would it be fair as to say there was  
2 quite a bit of that?

3 A Yes.

4 Q If I were to say fourteen thousand  
5 dollars, could it have been fourteen thousand  
6 dollars?

7 A Certainly.

8 Q Could it have been twenty thousand  
9 dollars worth of cocaine?

10 A Certainly.

11 Q Okay. Now, you are in this room and the  
12 police are charging in. Other than being in that  
13 room, did you have any connection with that  
14 cocaine or that money?

15 A No, sir.

16 Q But you did have some heroin in your  
17 pocket?

18 A I did, yes.

19 Q Well, what did you do about that?

20 A I threw it out the window.

21 Q So the police never got that?

22 A No, sir.

23 Q But they charged you nevertheless, not  
24 with the heroin because they never found that, but  
25 with the cocaine?

1           A     That's right.

2           Q     That was staring everybody in the face?

3           A     That is correct.

4           Q     And you got charged and processed?

5           A     Yes.

6           Q     Now, we have already learned that you

7     didn't make bail until almost two months later?

8           A     Yes, to be exact forty-seven days.

9           Q     In that two months you were in Baltimore

10    City Jail awaiting trial on the narcotics?

11          A     Yes.

12          Q     Before they sent you off to jail, were

13    you taken anywhere and interviewed?

14          A     Yes, I was taken to the homicide

15    division..

16          Q     Homicide, did that strike you as strange

17    after just being arrested for narcotics to be down

18    at a Homicide Unit?

19          A     Yes and no.

20          Q     Did a Detective Requer or one of his

21    partners start questioning you about a homicide?

22          A     Yes.

23          Q     Now, a yes or no on this question,

24    please. Was it or was it not the same homicide --

25    Were they questioning you about the same homicide



1       that you thought you knew who might have done it  
2       as a result of your conversation with LeRoy Boyce?

3           A       Yes.

4           Q       They were talking about the same  
5       homicide that LeRoy Boyce was telling you about  
6       and which you thought this man here might have  
7       committed?

8           A       That is correct.

9           Q       Did you immediately tell them what you  
10      thought you knew?

11          A       No, I didn't.

12          Q       You eventually did?

13          A       Yes.

14          Q       Tell us the steps that led up to your  
15      change of mind in revealing this information?

16          A       Well, after I found myself in an awkward  
17      position --

18          Q       When you say awkward, I may have to  
19      interrupt you. What was your awkward position?

20          A       Being incarcerated in the Baltimore City  
21      Jail and knowing that the money and the  
22      merchandise that was confiscated at 862 wasn't  
23      mine. I thought it was best that I would try to  
24      get out of jail, out of jail the best way I  
25      possibly could because I didn't have any financial

1 means of gaining my freedom.

2 Q You didn't like it in jail. You had an  
3 additional concern, too. Wasn't there a parole  
4 officer up in New York who was expecting you to  
5 report periodically and sooner or later he was  
6 going to find out you had been arrested on some  
7 new charge?

8 A That was my main concern at that time.

9 Q While we are on the subject of the  
10 parole officer, you are on parole for a narcotics  
11 charge and an assault conviction?

12 A That is correct.

13 Q Which you served six years of?

14 A Yes.

15 Q While we are on the subject, the reason  
16 you only served six years is because you made a  
17 deal with the Assistant District Attorney up in  
18 New York by the name of Nancy Ryan, didn't you?

19 A That is correct.

20 Q You were a witness for Nancy Ryan in a  
21 homicide case?

22 A Yes.

23 Q As a matter of fact, that homicide case  
24 you were a witness in, you were really the target  
25 of whoever it was that wound up killing the guy

1       seated next to you?

2           A       That is correct.

3           Q       They tried to kill you and they got him?

4           A       That is correct.

5           Q       Even though you took nine bullets and he

6       only took one?

7           A       That is correct.

8           Q       And that happened back in the '70's?

9           A       That is correct.

10          Q       And you testified for Nancy Ryan?

11          A       Yes.

12          Q       And in exchange for your cooperation

13       with Nancy Ryan in a case that you were facing,

14       you wound up with an assault conviction?

15          A       That is correct.

16          Q       And on June 19th, 1986 you had served

17       that six years but were on parole?

18          A       Yes.

19          Q       For that assault conviction?

20          A       That is correct.

21          Q       That parole officer wanted to hear from

22       you?

23          A       Yes.

24          Q       So you were concerned?

25          A       Deeply.

1           Q     Well, now, there is a code of silence  
2 among--

3           MR. TAYBACK:  Objection, Your Honor.

4           THE COURT:  I will sustain the  
5 objection.

6           MR. TAYBACK:  He should ask questions.

7           Q     What is a snitch?

8           A     One who testifies against another.

9           Q     Are snitches viewed favorably in the  
10 criminal world?

11          A     I can't hear you, sir.

12          Q     I am sorry.  Are snitches viewed as  
13 heroes among the criminal world?

14          A     Are they heroes?

15          Q     Heroes?

16          A     No, sir.

17          Q     Did you want to be a snitch?

18          MR. TAYBACK:  Objection.

19          A     No, sir.

20          THE COURT:  Overruled.

21          Q     Did you decide to become a snitch  
22 immediately, or did you wait until certain events  
23 occurred which in your mind left you no choice?

24          A     That is correct.

25          Q     Which would be correct?

1           A       It left me no choice.

2           Q       Well, how were you going to work this  
3 out without becoming a snitch? Did you have any  
4 plan?

5           A       No, when I approached Nancy Ryan --

6           Q       No, I am talking -- All right, wait a  
7 minute.

8           A       May I finish?

9                   MR. TAYBACK: Objection. He is  
10 answering the question.

11          Q       I understand what you're saying. Go  
12 ahead. I am sorry to interrupt you.

13          A       Well, I didn't voluntarily be a snitch.  
14 The person, the deceased was a personal friend of  
15 mine and the incident that we were battling about  
16 didn't have anything to do with him. So I told  
17 Nancy Ryan regardless of what the outcome would be  
18 I would testify anyway because I feel as though I  
19 owed it to him.

20          Q       Okay.

21          A       But --

22          Q       Excuse me, you are talking about the  
23 circumstances under which you testified in New  
24 York for Nancy Ryan?

25          A       Yes.

1           Q     About the incident in the '70's that  
2     resulted in Nancy Ryan prosecuting the case. I am  
3     talking about the incident in the '80's?

4           A     Yes.

5           Q     I am talking about the predictment that  
6     you are in here in Baltimore City on June the  
7     19th, 1986?

8           A     Yeah.

9           Q     When you think that you may have some  
10    knowledge which the police want and here you are  
11    in jail for a charge which in your mind you got  
12    nothing to do with. The question is like how did  
13    you handle that? What did you do about it?

14          A     I located some friends of mine in New  
15    York city which was Nancy Ryan and a certain  
16    police officer.

17          Q     Okay. You contacted Nancy Ryan. I  
18    assume it was by telephone?

19          A     That is correct.

20          Q     And did you tell her the situation that  
21    you found yourself here in Baltimore City?

22          A     Yes.

23          Q     Now, before you talked to Nancy Ryan,  
24    did you have any conversations with Reuben Rainey  
25    about those murders that Poppy told you about back

1 on June 18th?

2 A Yes, we talked about it several  
3 occasions.

4 Q Tell the jury everything you can  
5 remember about those conversations with Reuben  
6 Rainey? How how they started, how it went back  
7 and forth, et cetera?

8 A Well, during the time we were  
9 incarcerated, we were housed on the same floor  
10 although we were in different sections on the same  
11 floor. At times we were allowed to visit each  
12 dorm on that particular floor, what they call  
13 visiting times.

14 So during those times beings that we  
15 weren't familiar with any other inmates in that  
16 jail because we were from another town, we would  
17 all get together when we were allowed to and just  
18 mingle if you know what I mean. I don't know how  
19 the conversation came about.

20 Q Let me interrupt at this point before  
21 you get into that. Was Reuben Rainey a total  
22 stranger to you, or was he someone who you knew  
23 from your past?

24 A I have been knowing him several years.

25 Q Where did you know Reuben Rainey from?

1           A       From New York City.

2           Q       And under what circumstances did you  
3 know him?

4                   MR. TAYBACK:  Objection, Your Honor.  
5 What does that have to do with the case?

6                   THE COURT:  I will overrule the  
7 objection.

8           Q       Well, let me ask the question and don't  
9 answer until counsel has an opportunity to  
10 object.  I am going to lead you in this question.  
11 Did you know Reuben Rainey because he and your  
12 friend Eddie Cooper and maybe yourself had some  
13 interest in some place once that Reuben Rainey was  
14 the doorman or the bouncer?

15          A       That is correct.

16          Q       That was years back?

17          A       Yes.

18          Q       So Reuben Rainey is no stranger to you.  
19 Was Eddie Cooper in jail with you?

20          A       Yes.

21          Q       Was LeRoy Boyce in jail with you?

22          A       Yes.

23          Q       You were all there together.  Were you  
24 all in this same section that has connecting  
25 dorms?



1           A     Yes.

2           Q     Were you all able to talk among  
3 yourselves?

4           A     At times.

5           Q     Now, Reuben Rainey wasn't up in the  
6 third floor of 862 West Fayette Street when the  
7 police hit the door, was he?

8           A     I can't hear you, sir.

9           Q     I am sorry.

10          A     You keep turning your back to me.

11          Q     Reuben Rainey was not one of those  
12 people that was upstairs on the third floor of 862  
13 West Fayette Street?

14          A     No, sir.

15          Q     When the police hit the door?

16          A     No, sir.

17          Q     Yet he was in jail. Did you know the  
18 circumstances by which he had gotten in jail, or  
19 did you learn them once you got into jail?

20          A     I learned them after we got arrested at  
21 the police station.

22          Q     As a matter of fact, you learned that he  
23 had led the police to 862 and sold some narcotics  
24 to a police officer which caused the police  
25 officer to get a search and seizure warrant for

1 862?

2 A Yes.

3 Q I mean, did you know that?

4 A After we were arrested.

5 Q Well, after you were arrested?

6 A Yes.

7 Q I mean, how long after you were .

8 arrested, within a couple of days, a week, or two?

9 A The same day.

10 Q Okay. So not only were the drugs, the  
11 cocaine, not yours but this guy right here had  
12 done a damn fool thing which resulted in everybody  
13 getting arrested?

14 A That is correct.

15 Q Now, I want to get back to the  
16 conversations that you either overheard or were  
17 present at involving Reuben Rainey and any  
18 discussions with respect to the murders that took  
19 place on June 2nd, 1986 at Navarro Road. What did  
20 the defendant tell you about those?

21 A The only time that we -- Well, during  
22 the time that we were incarcerated, as I said  
23 earlier, we would get together on visits and Mr.  
24 Rainey would discuss how he committed the murders  
25 and why, and we thought it was hideous and

1       ridiculous.

2               THE COURT: I can't hear you, sir.

3               A       We thought it was hideous and ridiculous  
4       and it was uncalled for and we just, even to this  
5       very moment, couldn't understand why he would kill  
6       two girls and also boast about it like it was a  
7       joke.

8               Q       You say he acted like it was a joke?

9               A       As if it was a joke.

10              Q       Well, first of all, before I get into  
11       the joke part, tell us what he said he did and why  
12       he said he did it?

13              A       He said that he committed the murders  
14       because they were involved in getting high off of  
15       cocaine and he was dissatisfied with his purchase  
16       from one of the girls and I believe her name was  
17       Debbie, and he returned to retrieve his money.

18              He wanted a refund because he wasn't  
19       satisfied and while he was trying to retrieve his  
20       money or refund his money, the girl, as we say in  
21       New York, was talking out the side of her neck as  
22       if disrespecting him and he became aggravated  
23       because he thought that she disrespected him by  
24       mouthing off, but yet at the same time she was  
25       willing to give him his money back but still

1 running off at the mouth at the same time, and he  
2 said that while she was going upstairs to get the  
3 money, he was behind her.

4 She was still running off at the mouth  
5 and he got disgusted because he wanted her to shut  
6 her mouth and she wouldn't and she said, well, if  
7 I got to go, I got to go, and all of a sudden he  
8 said that he pulled out his gun and shot her and  
9 he stepped back and she rolled down the steps past  
10 him.

11 I don't know the other girl's name, but  
12 she was sitting on the steps, I mean on the couch,  
13 and he went to her and told her that I am sorry I  
14 can't have no witnesses, you got to go, too, and  
15 she was ducking like she was trying to avoid from  
16 getting hit. He was standing over her trying to  
17 shoot her in the head, and he said the other  
18 individual that was there, Ms. Joanne Blunt was so  
19 frightened that she ran out the door before the  
20 bullet exited from the barrel of the gun.

21 Q Now, you mentioned a moment ago that you  
22 thought the whole thing was ridiculous and besides  
23 he was joking about it. What do you mean? What  
24 parts was he joking about?

25 A He would often demonstrate how the woman

1       that was sitting on the couch was moving about  
2       trying to avoid from getting shot and he was  
3       laughing about it. You know, as if, you know, as  
4       if it was funny to him because she was trying not  
5       to get hit by the bullet and he is having a time  
6       trying to aim the barrel of the gun at the young  
7       lady's head to dead aim.

8               Q       Now, over what period of time did these  
9       discussions with Reuben Rainey take place?

10              A       Well, as I said, it happened. I was in  
11       Baltimore City Jail for forty-seven days. I  
12       cannot say exactly how many times he mentioned it,  
13       but it was more than twice that we discussed it.  
14       Edward Cooper and I would get among ourselves and  
15       discuss it because we didn't understand how -- We  
16       didn't understand how he would take our comment  
17       concerning what he did because we thought it was  
18       hideous. So we would, after he would finish his  
19       discussion, at times we would get by ourselves  
20       Edward Cooper and I, we would toss the situation  
21       back and forth and try to figure out, well, why  
22       would he do such a thing because it wasn't called  
23       for because at that time him and LeRoy Boyce were  
24       close, or he was working for him. If he needed  
25       more cocaine, he could simply go to him and get it

1 and he didn't have to have any money. So what was  
2 the sense of killing these girls.

3 Q Here you are in jail, the cocaine that  
4 your arrested for is not yours, and this guy  
5 screwed up twice, he brought the police to 862,  
6 right?

7 A That is correct.

8 Q Which resulted in you being arrested and  
9 he screwed up again, they would never even have  
10 come to 862 if they weren't interested in these  
11 murders which were senseless?

12 A That's right.

13 Q And your parole officer wants to know  
14 where the hell you are?

15 A Yeah, I was pretty nervous about that.

16 Q I mean, if they decide to get tough on  
17 you up in New York, you could go back for six  
18 years to life, right?

19 A Well, in New York I know I could have  
20 been remanded for at least two years before I see  
21 another parole board.

22 Q But in narcotics, when you get convicted  
23 more than once for narcotics in New York, they  
24 have a life sentence?

25 A Yes, sir.

1 Q At the end of it, right?

2 A Yes, sir.

3 Q So you were doing -- You were backing up  
4 a possible life sentence?

5 A Yes, sir.

6 Q I am not saying how many years you would  
7 do, but you might be remanded for life and then  
8 you would have to workout with the parole board  
9 how many years of that life sentence you are going  
10 to have to do?

11 A That is correct.

12 Q Well, you mentioned you finally decided  
13 to do something about this and you contacted your  
14 old friend Nancy Ryan?

15 A Yes.

16 Q Did you explain to her what you have  
17 just told the jury?

18 A In so many words, yes.

19 Q You told her you could help the  
20 Baltimore police on a homicide?

21 A Yes.

22 Q Well, why did you call her and not the  
23 Baltimore police?

24 A Because she -- I felt as though she had  
25 a little more strength and she was a District

1 Attorney and that she could maybe talk to them a  
2 little better than I could.

3 Q Did you trust her?

4 A Certainly.

5 Q Do you remember approximately when, I  
6 know you weren't taking notes and keeping a dairy,  
7 but approximately when during the month -- Well,  
8 what month did you contact Nancy Ryan? Was it  
9 June or July? We know you got out at the end of  
10 July or the first couple of days in August?

11 A At this time, sir, I cannot really  
12 pinpoint it.

13 Q From the time you made initial contact  
14 with Nancy Ryan until the time you got released on  
15 bail, about how time passed? Was it a week? Was  
16 it a month? Was it days? Approximately what is  
17 your best guess?

18 A I would say it was a few weeks.

19 Q Okay. After you talked to Nancy Ryan,  
20 did somebody come down here to talk to you?

21 A Yes.

22 Q And who was that?

23 A That was detective -- I can't even  
24 remember his name and I just saw him a few minutes  
25 ago.



1 Q Out there in the corridor?

2 A Yes, sir.

3 Q Does the name John Capers sound familiar

4 to you?

5 A Yes, that is it.

6 Q Or strike a bell?

7 A That is his name, yes.

8 Q Did John Capers come down here?

9 A Yes, sir.

10 Q Were you brought down to the Homicide

11 Unit on a writ?

12 A Yes.

13 Q And did you talk to John Capers?

14 A Yes.

15 Q Were the Baltimore detectives right

16 there in that conference, or did you talk to him

17 privately?

18 A Well, I talked to him privately.

19 Q Did you tell him what you knew?

20 A Yes.

21 Q Did you tell him whether or not it was

22 all right for him to tell the Baltimore City

23 detectives what you just told him?

24 A I told him to tell the Baltimore City

25 Police in so many words that I could lead them in

1 the right direction.

2 Q But not tell everything that you told  
3 him?

4 A That is correct.

5 Q Is that because you wanted some cards to  
6 be able to play with with the Baltimore City  
7 detectives?

8 A Would you repeat that, please?

9 Q You wanted to have something to bargain  
10 with with the Baltimore City detectives?

11 A That is correct.

12 Q What did you tell John Capers about your  
13 bail? What, if any, discussion did you have with  
14 John Capers concerning your bail?

15 A I asked him if he could talk to the  
16 detectives concerning lowering my bail because it  
17 was impossible for me to make bail at that time.

18 Q Would it be fair to say that you said to  
19 him, look, if you can get my bail lowered, I will  
20 tell the detectives everything I know?

21 A Yes.

22 Q It didn't work that way, did it?

23 A No.

24 Q Instead of your bail being lowered, was  
25 it doubled or --

1           A       It was changed from a bond. It was  
2 changed from a bond to a cash alternative,  
3 strictly cash.

4           Q       In other words, before you had this  
5 discussion about your bail, you could have gotten  
6 a bondsman to post bail; is that correct?

7           A       Well, I couldn't do anything, sir.

8           Q       If you had the money to pay a bondsman,  
9 you could have had a bondsman post bail?

10          A       Yeah.

11          Q       But after this conversation with  
12 Detective Capers, you suddenly found that you  
13 would have to come up with the whole thing in  
14 cash?

15          A       That is correct.

16          Q       So instead of being in a better position  
17 you were in a much worse position?

18          A       Yes.

19          Q       When you realized that the police were  
20 not going to let you go and then trust that you  
21 are going to cooperate but wanted you to give some  
22 sort of a down payment in the form of what it is  
23 you know, did you then decide to tell the police  
24 what you know?

25          A       Yes.

1 Q And did that happen immediately or did  
2 it take a few days or a week or so for that to  
3 percolate through your mind?

4 A Took a few days.

5 Q And then you sent the word out that you  
6 were ready to talk; is that correct?

7 A Yes.

8 Q And did you talk, right?

9 A Yes.

10 Q And you gave them a statement?

11 A Yes.

12 Q That was on July 31st?

13 A I am not sure of the date.

14 Q Whatever date this statement is signed  
15 would that be the date that you gave that  
16 statement?

17 A Yes.

18 MR. BRAVE: For I.D. only, Madame clerk.

19 THE CLERK: Number 36.

20 (Marked for identification

21 State's exhibit 36.)

22 Q Mr. Robinson, sir, take a look at what  
23 has been marked State's exhibit number 36 for  
24 identification. It is one, two, three, four, five  
25 pages in length. Do you recognize the signature

1 on the fourth and fifth pages?

2 A Yes, that is my signature.

3 MR. TAYBACK: I will have to object. I  
4 guess we will have to approach the bench. I am  
5 not quite sure.

6 THE COURT: Approach the bench.

7 (Whereupon, counsel and the Defendant  
8 approached the bench and the following conference  
9 ensued:)

10 MR. TAYBACK: Again, Your Honor, the  
11 same point. If he is going to impeach his own  
12 witness with a prior inconsistent statement, then  
13 he can't have the person as a witness for  
14 substantive purposes. He is going to have to  
15 claim that whatever the person is saying comes as  
16 a surprise to him. If he is trying to say that  
17 something in his statement is inconsistent and  
18 something is consistent, then he can't try to  
19 substantiate his witness until his witness is  
20 impeached.

21 THE COURT: What are you doing with the  
22 statement?

23 MR. BRAVE: I was just going to ask him  
24 to take a look at that. I was going to ask him is  
25 that the same thing he just finished telling this

1 jury or basically the same thing you just finished  
2 telling this jury is what you told the police back  
3 on July 31.

4 MR. TAYBACK: A prior consistent  
5 statement if that is what you are claiming.

6 MR. BRAVE: Right.

7 MR. TAYBACK: Even though it is  
8 inconsistent.

9 THE COURT: Why don't you just simply  
10 ask him did you give this story back then.

11 MR. BRAVE: Okay.

12 THE COURT: I mean, you are getting  
13 ready to show --

14 MR. BRAVE: Just doing it with a little  
15 flourish.

16 THE COURT: All right.

17 MR. TAYBACK: What about my objection?  
18 What do we do with that?

19 THE COURT: Mr. Brave, as I understand  
20 it, is withdrawing his flourish of presenting the  
21 statement. I have overruled any objection to a  
22 question as to whether he was interviewed and  
23 whether he gave a statement to the police. I am  
24 simply saying there is no purpose in using the  
25 statement.

1 (Whereupon, counsel returned to the  
2 trial table and proceedings resumed in open  
3 court.)

4 Q Mr. Robinson, sir, your signature here  
5 is dated when?

6 A 7/3/86.

7 Q Now, did you tell the police basically  
8 the same thing back on July 31, 1986 as you just  
9 told the jury here today?

10 A I can't hear you, sir.

11 Q I am sorry. Did you tell Detective  
12 Requer back on July 31, 1986 basically what you  
13 just told the jury here this morning?

14 A Yes.

15 Q And then you went before the grand jury;  
16 is that correct?

17 A Yes.

18 Q Within a few days after that?

19 A Yes.

20 Q Did you tell the grand jury the same  
21 thing basically that you have just told this jury  
22 here today?

23 A Yes.

24 MR. BRAVE: Mr. Robinson, Mr. Tayback  
25 may have some questions

CROSS EXAMINATION

BY MR. TAYBACK

Q Mr. Robinson, is your permanent address in New York City?

A Sir.

Q Where do you live?

A 47 West 175th Street, the Bronx.

Q New York?

A Yes.

Q Where did you stay last night? Did you come down to Baltimore yesterday?

A No, sir.

Q Well, did you come down to Baltimore this morning?

A No, sir, Saturday.

Q Saturday?

A Excuse me, Sunday.

Q Fine. Where have you been staying in Baltimore since whatever day you came to Baltimore?

A Off and on, sir, 3735 Manchester.

Q 3735 Manchester Avenue?

A Yes.

Q That is the home of Denise Coleman?

A Yes.



1 Q Who is one of the women of LeRoy Boyce?  
2 A Yes, my fiancée.  
3 Q And she is now your fiancée?  
4 A Yes, we are getting married.  
5 Q So you and Denise Coleman are now  
6 together?  
7 A Yes.  
8 Q So was that the situation on June 18th,  
9 1986?  
10 A No, I just met her then.  
11 Q When you came down on June 18th, 1986,  
12 that is the date you're saying you came down; is  
13 that right?  
14 A June 18, 1986, yes.  
15 Q And at that time you came down with the  
16 intention of meeting up with your father, Walter  
17 Robinson?  
18 A That was one of the reasons, yes.  
19 Q And was there anything compelling about  
20 meeting with your father Walter Robinson whom you  
21 hadn't seen since 1946?  
22 A The only compelling thing is that I  
23 wanted to see him because I never seen him before  
24 in my life.  
25 Q So after forty or so years of not having

1       seen him, on June 18th, 1986 you thought it was a  
2       good idea to find him; is that right?

3           A       I felt as though beings that I was here  
4       I would try to look him up.

5           Q       You would try?

6           A       To look him up.

7           Q       Well, as a matter of fact, that is what  
8       you told the grand jury, the ladies and gentlemen  
9       of the jury, under oath as the reason that you  
10      came down to Baltimore?

11          A       Yes, I did.

12          Q       You said that on August 4th, 1986; isn't  
13      that correct?

14          A       Yes.

15          Q       That wasn't really the truth though, was  
16      it?

17          A       Partially.

18          Q       Well, it wasn't really the truth, was  
19      it?

20          A       As I said, sir, partially.

21          Q       The reason you came down was because you  
22      and Eddie Cooper had heroin to sell?

23          A       That was one of them.

24          Q       True or not?

25          A       That was one of the reasons, sir.

1           Q     Now, Eddie Cooper is for want of a  
2     better term the stepson of LeRoy Boyce?

3           A     That is what he says.

4           Q     Well, LeRoy Boyce is father to him and  
5     he is son to LeRoy; isn't that right?

6           A     No, sir.

7           Q     Well, if they both seem to think that is  
8     the relationship, what do you say it is?

9           A     He just was going with his mother.

10          Q     And he seems to have some sort of  
11     ongoing relationship with Eddie Cooper; isn't that  
12     true?

13          A     At that time, yes.

14          Q     So you are coming down with Eddie Cooper  
15     who has been in the so called business with you  
16     for a long time; isn't that true?

17          A     That is true.

18          Q     I say business, I mean illegal business?

19          A     That is correct also.

20          Q     You are a career criminal, aren't you?

21          A     Yes, sir.

22                 MR. BRAVE:  Objection.

23                 MR. TAYBACK:  There was an objection.  
24     He has answered.

25                 MR. BRAVE:  I will withdraw the

1 objection as long as Mr. Tayback doesn't intend to  
2 pursue it.

3 MR. TAYBACK: Well, let's see.

4 Q Let me just while we are at this point  
5 ask you. Evidentially, you have some experience in  
6 working out plea agreements for yourself; is that  
7 true?

8 A As far as I testified for Ms. Ryan.

9 Q Well, you worked out a deal with Nancy  
10 Ryan; is that true?

11 A That is correct.

12 Q You eventually got to plead to an  
13 assault charge and to a narcotics violation. Is  
14 that heroin?

15 A No, sir.

16 Q What was that?

17 A Cocaine.

18 Q So that was cocaine. So you got to  
19 plead to an assault. Now, the assault was reduced  
20 from another charge, wasn't it?

21 MR. BRAVE: Objection, Your Honor.

22 THE COURT: Approach the bench.

23 MR. BRAVE: I withdraw the objection.

24 Q Wasn't the assault a reduced charge from  
25 another charge?

1           A       The assault was reduced from another  
2 charge?

3           Q       Weren't you originally charged with  
4 murder?

5           A       Yes, sir.

6           Q       You killed somebody, didn't you?

7           A       No, sir.

8           Q       The person who you assaulted ended up  
9 dead, didn't he?

10          A       That is correct.

11          Q       So in any case that is the deal you  
12 worked out with Nancy Ryan and you went to jail  
13 for whatever period of time you did and then you  
14 were on parole?

15          A       To clarify that, sir, the assault was on  
16 one Edward Barnes in 1975. The possession was  
17 from 1977. I was never convicted of any  
18 homicide. It was never reduced from any  
19 homicide. I was convicted of possession of  
20 cocaine, possession of a weapon, and assault.

21          Q       Well, I never said you were convicted of  
22 it. I said the charge was reduced from a murder  
23 to an assault and you said yes and the person  
24 died. You said you didn't kill him but he died  
25 somehow?

1           A     You have added a little information,  
2     sir.

3           Q     All right, thank you.

4           A     You are welcome.

5           Q     All right, as a matter of fact, if you  
6     wanted to add a little additional information, you  
7     had a lot of charges that ended up as those two  
8     charges, isn't that right, everything got  
9     consolidated. You had a lot of other charges  
10    against you?

11          A     Would you slow down a little bit,  
12    please, sir, and repeat that.

13          Q     You had a lot of charges against you?

14          A     During my life, yes.

15          Q     This day you are dealing heroin which  
16    you have gotten from an African friend of yours  
17    where up in Harlem?

18          A     Yes.

19          Q     You have got, according to you, an ounce  
20    or a half an ounce, excuse me, of heroin on your  
21    person. It is ready for street sale?

22          A     Yes.

23          Q     Is it all packaged for sale?

24          A     No, it was loose.

25          Q     How come you couldn't sell it up in New

1       York?

2               A       I didn't have any buyers.

3               Q       How did you end up taking a half ounce  
4 of heroin if you couldn't sell it?

5               A       I thought I could sell it.

6               Q       Are you telling us that you thought you  
7 could sell it up in New York but for some reason  
8 whatever deals you had fell through?

9               A       The quality of it was very weak and the  
10 product that was around in New York was much  
11 stronger and we were taking a little longer to  
12 sell it.

13              Q       So somehow you and Edward Cooper come up  
14 with the name of LeRoy Boyce out of all the people  
15 in New York, Baltimore, in the United States as  
16 the person who is going to end up selling this  
17 drug for you?

18              A       Well, Edward Cooper had been coming down  
19 here for months and it was his suggestion.

20              Q       Well, Edward Cooper had been coming down  
21 for months; is that right?

22              A       That is correct.

23              Q       Well, how often did he go up and down  
24 from New York to Baltimore?

25              A       I have no knowledge of that. I don't

1 know.

2 Q You were his working partner, weren't  
3 you?

4 A Only for thirty days.

5 Q Well, was he taking drugs back and forth  
6 from New York down to Mr. Boyce in Baltimore?

7 A To my knowledge from what I heard, he  
8 had been doing that while I was incarcerated.

9 Q That is the situation there and then he  
10 takes you along to come down with the heroin.  
11 Now, did you understand LeRoy Boyce as being in  
12 operation for himself? He wasn't working for you  
13 any longer, was he?

14 A No.

15 Q Wasn't working for Edward Cooper?

16 A No.

17 Q If there was any working relationship,  
18 Edward Cooper was working for LeRoy Boyce; isn't  
19 that true?

20 A Edward Cooper wasn't working for anyone  
21 at that time.

22 Q If he is bringing any stuff down, he is  
23 bringing it to LeRoy Boyce? Was he an independent  
24 contractor?

25 A As I said, sir, earlier, that several



1 months prior to that while I was incarcerated, he  
2 had been coming to Baltimore as far as my  
3 knowledge is concerned.

4 Q Well, you got to 3735 Manchester Avenue  
5 somehow; is that right?

6 A That is correct.

7 Q And who knew where 3735 Manchester  
8 Avenue was? I know you know now but would who  
9 knew on June 18th, 1986?

10 A Mr. Cooper, sir.

11 Q So he didn't have to ask anybody at  
12 all? He just arrived at 3735 Manchester Avenue  
13 with you; is that correct?

14 A That is correct.

15 Q Were there any preliminary telephone  
16 calls made to set up the arrangement to find out  
17 whether Mr. Boyce was could sell the drugs, could  
18 handle the deal for you?

19 A While we were at New York City in Mr.  
20 Cooper's house, he attempted to make a telephone  
21 call but Mr. Boyce wasn't in and he decided to go  
22 anyway.

23 Q So on the spur of the moment you come  
24 down to Baltimore with the half ounce of heroin;  
25 is that correct?

1 A Yes.

2 Q On June 18, 1986?

3 A Yes.

4 Q On that spur of the moment you end up at  
5 3735 Manchester Avenue and you meet up with LeRoy  
6 Boyce who was your former employee; is that  
7 correct?

8 A Yes.

9 Q And you then sit down and renew old  
10 acquaintances; is that true?

11 A No, we do not renew old acquaintances.

12 Q Well, you sat down and did something,  
13 didn't you?

14 A We sat down and talked about what Mr.  
15 Rainey did.

16 Q So you are telling the ladies and  
17 gentlemen of the jury that you walked through the  
18 door, you haven't seen LeRoy Boyce for ten years,  
19 you were completely unexpected, so is Edward  
20 Cooper, and you walk in and you say let's sit down  
21 and talk about what Reuben Rainey did?

22 A I didn't say anything, sir. I walked  
23 into the house. I took a seat. Several minutes  
24 after I was seated, Mr. Boyce gathered myself and  
25 Mr. Cooper to sit down on the couch and started

1       whispering about the past events concerning a  
2       double homicide.

3               Q       Let me ask you a question.   Somehow or  
4       the other this comes out as the topic of  
5       conversation even though supposedly you have  
6       nothing to do with it and supposedly Edward Cooper  
7       has nothing to do with it; is that right?

8               A       Repeat that, please.

9               Q       Supposedly you and Edward Cooper know  
10      nothing about the events of June 2nd, 1986 before  
11      arriving at the house 3735 Manchester Avenue on  
12      June 18, 1986?

13              A       I would never have came in if I knew.

14              Q       Then somehow or another LeRoy Boyce just  
15      starts talking about that with you; is that  
16      correct?

17              A       Several minutes after we arrived, that  
18      is correct.

19              Q       It just came up out of the blue out of  
20      LeRoy Boyce's mouth?

21              A       I believe he wanted to tell someone that  
22      was close to him because it both bothered him  
23      also.

24              Q       It bothered him.   I see.   So he starts  
25      talking with you who he hasn't seen for ten or

1 twelve years and he sees Edward Cooper there and  
2 he is just going to talk with him about it also;  
3 is that correct?

4 A Yes, sir.

5 Q Of course, he doesn't blame himself? He  
6 has to blame somebody else; isn't that true?

7 A He was rather worried, sir, because he  
8 had an argument with the young lady previously.

9 Q Well, so he was worried because he had  
10 been arguing with the young girl; is that correct?

11 A Previously.

12 Q Do you have any idea why he was so  
13 worried?

14 A I just answered that question, sir. I  
15 said they were arguing previously.

16 Q So they were arguing previously and  
17 suddenly she ends up dead and he is worried; is  
18 that right? Is that true?

19 A That is true.

20 Q In any case, he is insufficiently  
21 worried that he has about twenty thousand dollars  
22 worth of cocaine. He is not worried about  
23 continuing his drug operation, is he?

24 A Repeat that.

25 Q He is not worried about continuing his

1 drug operation? He has got twenty thousand  
2 dollars worth of cocaine with him and I guess he  
3 is going to help you out with your one ounce of  
4 heroin; is that true?

5 A He is worried but he continued.

6 Q Well, he musters up the strength to  
7 continue with his sales; is that true?

8 A Yes, he did.

9 Q Now, you come down June 18th? How is it  
10 that you end up in the house 862 West Fayette  
11 Street with all of the heroin, with, excuse me,  
12 with all of the cocaine there on the night of June  
13 18, 1986 which is over twenty-four hours later?

14 A I learned later that Mr. Boyce had  
15 several locations that he located from and that he  
16 packed all of his merchandise up and moved to 862  
17 to work at that location for that night, for the  
18 remainder of that evening.

19 Q Well, you ended up going along; is that  
20 right?

21 A Yes, sir.

22 Q You had nothing to do with the cocaine  
23 operation; is that what you are telling us?

24 A That is exactly right.

25 Q While the cocaine is on the bed being

1 packaged, being treated or something is being done  
2 to it, you just happened to be there?

3 A That is correct.

4 Q No reason for you to be there is there?

5 A I was waiting -- I was there because I  
6 was waiting for Mr. Boyce to give me the money for  
7 the heroin.

8 Q You still had the heroin. He hadn't  
9 sold it for you?

10 A As I said, he told me to wait.

11 Q According to you, you still had it in  
12 your pocket when the police came in?

13 A No, I did not. I said that I threw it  
14 out the window when the police tried to come  
15 through the door.

16 Q Well, this window that you are talking  
17 about at 862, which is Fayette Street, is this  
18 window facing something or other?

19 A It is facing the street.

20 Q Is it facing the front door?

21 A Yes.

22 Q Facing the front of the house. Let's  
23 put it that way. It is the front of the house.  
24 That is the better way.

25 A Yes, sir.

1           Q     As a matter of fact, if you had thrown  
2     the heroin out the window like you said, there  
3     should have been a police officer who walked in  
4     with a white cloud around his head?

5           A     Not necessarily, sir.

6           Q     I am saying you threw the heroin out the  
7     window at the same time the police are downstairs  
8     coming into the house?

9           A     I cannot say at the same time if the  
10    police are downstairs and I am upstairs. How can  
11    I say it is the at the same time.

12          Q     Didn't you say in response to the  
13    question of Mr. Brave --

14          A     I said--

15          Q     -- when he said the police were  
16    battering the door --

17          A     One has to go at a time, if you would  
18    slow down, counsel.

19          Q     Let me finish my question.

20          A     Yes, sir, you first.

21          Q     Did you say in response to Mr. Brave's  
22    question when he said when the police were  
23    battering the door down, what, if anything, did  
24    you do with the heroin, you said you threw it out  
25    the window; isn't that right?

1           A       I said yes at the same time that they  
2 battered the door that I threw the heroin out the  
3 window.

4           Q       The battering of the door would be the  
5 front door outside the house; isn't that right?

6           A       That is correct.

7           Q       And there is windows over that front  
8 door, isn't it?

9           A       I believe so, yes, sir.

10          Q       Supposedly you are the one who is there  
11 throwing something out of it?

12          A       Yes, sir.

13          Q       There also happens to be a few guns at  
14 that location. Which one of those guns was yours,  
15 if any?

16          A       None at all, sir.

17          Q       How about the nine millimeter?

18          A       I have no knowledge of owning any nine  
19 millimeter or any gun.

20          Q       How about Edward Cooper then? Was that  
21 his?

22          A       I have no knowledge of that, sir.

23          Q       Well, the guns belong to somebody. Were  
24 they Mr. Boyce's?

25          A       I don't know. They were in that house



1 is all I know.

2 Q Certainly weren't yours, however?

3 A No, sir.

4 Q Now, you then, of course, are taken into  
5 custody by the Baltimore City Police Department  
6 even though you have nothing to do with the  
7 cocaine. You have nothing to do with the money.  
8 You have nothing to do with the drugs in that  
9 house?

10 A That is correct.

11 Q Nothing to do with the bullets in the  
12 house?

13 A That is correct.

14 Q You have nothing to do with the bloody  
15 clothing in the house?

16 A I have no knowledge of the bloody  
17 clothes.

18 Q And you then decide to remain put. You  
19 don't say a word to the police about anything even  
20 though supposedly you have this wealth of  
21 information as of June 18th, never mind June  
22 19th? You know something by June 18th, according  
23 to you; is that right?

24 A Yes, sir.

25 Q Directly from LeRoy Boyce?

1           A       That is correct.

2           Q       June 19th the police are questioning you  
3       about a matter that you, according to what your  
4       answers are, knew something about and you knew the  
5       answers that the police wanted; is that true?

6           A       That is correct.

7           Q       You don't say anything at all, do you?

8           A       No, sir.

9           Q       According to you, you stayed in jail  
10       forty-seven days before the State's Attorney came  
11       to your rescue; is that right?

12          A       Would you interpret that for me,  
13       please?

14          Q       Well, I would interpret that to mean  
15       that he got you out on a recognizance which means  
16       you didn't have to put a penny down?

17          A       That is correct.

18          Q       And the quid pro quo, which means this  
19       for that, was that you would say that Reuben  
20       Rainey was the one who killed --

21                 MR. BRAVE:  Objection.

22          Q       -- the two girls?

23                 MR. BRAVE:  There is a difference  
24       between what he will say --

25                 THE COURT:  Well, counsel, I have asked

1 both counsel not to argue in front of the jury.

2 MR. BRAVE: I object to the question.

3 MR. TAYBACK: I will withdraw the  
4 question and rephrase it.

5 THE COURT: All right.

6 Q Your deal was that you would tell the  
7 police what you know; is that right?

8 A My deal was to tell the District  
9 Attorney of my knowledge of what Mr. Rainey told  
10 me and that he would recommend to the presiding  
11 judge what he had said with no guarantee of my  
12 case being thrown out.

13 Q Well, the deal was a little bit more  
14 than that. It got you out of jail, didn't it?  
15 That was the first step?

16 A That was the first step.

17 Q The second --

18 A That was accomplished, yes.

19 Q I am sorry. What?

20 A That was accomplished, yes.

21 Q And the second step was that the State's  
22 Attorney might not even prosecute you; is that  
23 correct?

24 A No, that was not mentioned, sir.

25 Q And if you are prosecuted the State's

1 Attorney would speak on your behalf to whichever  
2 judge was involved in the case; is that correct?

3 A Yes, sir.

4 Q Now, you then discussed with the State's  
5 Attorney or the police officers or the grand jury  
6 or whomever these conversations? When did these  
7 conversations occur, do you have any dates?

8 A No, sir, at this time I don't have any  
9 particular date. I can only say it happened in  
10 the Baltimore City Jail during the time that we  
11 were incarcerated.

12 Q You're saying that it happened more than  
13 twice but you don't know when, how many times; is  
14 that right?

15 A I can't pinpoint.

16 Q And the only people who would have been  
17 party to these conversations, would have been you,  
18 Edward Cooper, LeRoy Boyce, and Reuben Rainey; is  
19 that right?

20 A Yes, sir.

21 Q Now, you weren't just speaking,  
22 according to what you are telling us, with only  
23 Reuben Rainey? You would have been speaking with  
24 LeRoy Boyce. Did you speak with him frequently at  
25 the city jail?

1           A     Mr. Boyce?

2           Q     Yes.

3           A     Yes, sir.

4           Q     And you would have spoken with Edward

5 Cooper at the city jail?

6           A     That is correct.

7           Q     And you would have made the

8 determination as to how to proceed at the city

9 jail after these conversations?

10          A     Say that again.

11          Q     You decided what you were going to do to

12 save your own neck and to do whatever you could

13 for certain other people after these

14 conversations; isn't that true?

15          A     I decided what I was going to do

16 concerning myself.

17          Q     It took you forty days of so called time

18 at the Baltimore City Jail before you decided what

19 to do?

20          A     No, it took forty-seven days to get out.

21          Q     That is when you finally got out?

22          A     I had long decided what to do, sir.

23          Q     When was it that you contacted the

24 police? It was only a couple of weeks, not even

25 that, perhaps, before you got out of jail?

1           A       I don't know exactly what date of that  
2 particular month that I contacted Ms. Nancy Ryan  
3 or the police.

4           Q       You didn't --

5           A       But it was sometime after I was  
6 incarcerated.

7           Q       You didn't contact the Baltimore City  
8 Police Department or the Baltimore State's  
9 Attorney's Office. You called New York directly?

10          A       Yes, sir, and then I called the  
11 Baltimore homicide division.

12          Q       Of course, that also had the effect of  
13 accomplishing Edward Cooper getting out of jail as  
14 well; isn't that true?

15          A       Well, at the time New York City police  
16 was looking for Mr. Cooper to question him  
17 concerning another matter in New York City.

18          Q       Is that another homicide, by the way?

19          A       Sir?

20          Q       Certainly.

21          A       I said sir.

22          Q       I am sorry. What?

23          A       Sir.

24          Q       I said was that another homicide by the  
25 way, if you know?

1           A       No, sir, it wasn't.

2           Q       Now, your discussion, as you have told  
3       the ladies and gentlemen of the jury, was as  
4       follows that Reuben Rainey bought drugs from this  
5       girl who got killed; is that what you're saying?  
6       This is what Reuben Rainey told you out of his own  
7       mouth?

8           A       I didn't say that.

9           Q       Tell me exactly what you said then?

10          A       I said that Reuben Rainey had -- I said  
11       Reuben Rainey had purchased drugs from this  
12       particular person, but it was Reuben Rainey and  
13       the other individual that he was with that  
14       purchased the drugs. They pooled their money  
15       together and Mr. Rainey was the one who approached  
16       the young lady to get a refund and Mr. Rainey was  
17       dissatisfied with the young lady's comments as far  
18       as returning the money. Although she was  
19       returning the money, he did not like her verbal  
20       response. He thought as though she was  
21       disrespecting him.

22          Q       Let's go through that one step at a  
23       time.

24          A       I said --

25          Q       Wait a minute. Let me ask the questions

1 and you can answer them.

2 A Yes, sir.

3 Q He bought the drugs in company with  
4 others; is that what you're saying? Yes or no.

5 A To my knowledge, sir.

6 Q Number two, he then returned to the  
7 house to get a refund? Yes or no.

8 A He returned. I don't know if he  
9 returned there because I don't know if he  
10 originally bought the drugs from that particular  
11 house, but he went to that particular house where  
12 the young lady was to get a refund.

13 Q He then goes in the house? Yes or no.

14 A I can't answer that.

15 Q You said they were up and down some  
16 steps?

17 A Well, he told me and Mr. Cooper that he  
18 was in the house.

19 Q Then why couldn't you answer my previous  
20 question?

21 A May I finish now?

22 Q Yes.

23 A Followed the young lady up the steps  
24 because she was going up the steps to get the  
25 money to refund to Mr. Rainey and at the time that



1 she was going up the steps she was verbally  
2 abusing him as far as he was concerned and he  
3 didn't like it.

4 Q She was going up the steps to get the  
5 money; is that correct? That is the way you  
6 understand that?

7 A Yes, sir.

8 Q And that she was going to get that  
9 money; that is the way you understand it?

10 A Yes, sir.

11 Q And that she was verbally abusing him  
12 and that is what got him upset?

13 A Yes, sir.

14 Q And that she said at some point if I got  
15 to go, I got to go?

16 A That is correct.

17 Q You remember that clearly; is that  
18 right?

19 A Yes, sir.

20 Q And at that point she went?

21 A That is why we are here, sir.

22 Q And then the other person who would have  
23 been in the house was killed because she was a  
24 witness?

25 A That's right.

1 Q And then what occurred, what next?

2 A To my knowledge, as I was told, that  
3 Joanne Blunt raced out of the house so fast as I  
4 was told as if she beat the bullet out of the  
5 barrel of the gun.

6 Q And then what occurred?

7 A And then what occurred?

8 Q Yes.

9 A I have no knowledge. I don't know.

10 Q You mean to tell me that this story is  
11 discussed in detail with you and that is the only  
12 detail that is mentioned in the several  
13 conversations? People don't, for example, talk  
14 about where they went next?

15 A He might have talked about it, but I  
16 don't recall.

17 Q That just didn't impress you though; is  
18 that right?

19 A Impress me.

20 Q It is not something that --

21 A The only thing that really impressed me  
22 was the fact --

23 Q Sir, it is not something that you would  
24 recollect at this time? It was just something  
25 that might have been told to you but like so many

1 other things it passes?

2 A The only thing that really affected me,  
3 sir, is two young ladies getting killed for no  
4 reason whatsoever. That is what really affected  
5 me.

6 Q As opposed to some reason like LeRoy  
7 Boyce being owed money; is that correct?

8 A Sir, repeat that, please.

9 Q As opposed to some other reason. You  
10 seem to be affected by the fact that two people  
11 get killed for no reason as opposed to some  
12 reason; is that right? Is that what you are  
13 telling us?

14 A You are confusing me, sir. I don't know  
15 what you mean.

16 Q In this particular case LeRoy Boyce  
17 knows at the time he is in Baltimore City Jail  
18 that he is under suspicion for the murders; isn't  
19 that true?

20 MR. BRAVE: Objection, Your Honor. I  
21 withdraw the objection.

22 Q Isn't that true?

23 A I really don't know.

24 Q You don't know?

25 A No, I don't.

1           Q     You don't know that he is worried about  
2     that?

3           A     Yes, he is worried because, like I said  
4     earlier, he had an argument with one of the young  
5     ladies. I believe it was three weeks before they  
6     were killed.

7           Q     And he has also, of course, got the drug  
8     charges to deal with, doesn't he?

9           A     Yes, we all did.

10          Q     Well, Mr. Brave had mentioned something  
11     about a code of silence among criminals. There is  
12     a code of honor among criminals where if it is  
13     your charge you take your own charge?

14          A     Yes.

15          Q     Did Poppy come up and say the drugs are  
16     mine, they weren't yours, Bobby Bird, I will cover  
17     you. I will clear you. I will take care of you?

18          A     He did mention the fact that he would  
19     take the weight. Once he was incarcerated, he  
20     changed his mind. He tried to get a young lady by  
21     the name of Nellie Chew that lived at 862 Fayette  
22     Street to take the weight.

23          Q     So the way that he was going to take the  
24     weight was by shifting the weight to Nellie Chew.  
25     That was the plan, wasn't it? In other words --

1           A       Yeah.

2           Q       Nothing attaches to LeRoy Boyce, no  
3       damage to LeRoy Boyce if some damage occurs that  
4       has to be taken care of, Nellie Chew takes the  
5       drugs, somebody else is going to to have to take  
6       the heat of the murders; isn't that the way it  
7       works with you and LeRoy Boyce and all of the  
8       others, I will get you out of things?

9           MR. BRAVE:   Objection, Your Honor.

10          MR. TAYBACK:   I will withdraw the  
11       question.

12          MR. BRAVE:   To the speech.

13          Q       You mentioned one thing as a response to  
14       Mr. Brave's question earlier that was somewhat  
15       interesting and that was you said Reuben Rainey  
16       was working for LeRoy Boyce and if he needed  
17       cocaine all he had to do was ask LeRoy Boyce?

18          A       I did say that, sir.

19          Q       If that is the way the situation was,  
20       there would be no reason that you could come up  
21       why anybody who worked for LeRoy Boyce would have  
22       to go to somebody's house -- and Deborah Veney  
23       also worked for LeRoy Boyce -- and get it into a  
24       dispute about a quantity or a quality of cocaine  
25       because LeRoy Boyce controlled everything, didn't

1 he? He is the one who distributed the cocaine not  
2 only on the street, but to his various workers;  
3 isn't that true?

4 A I don't know, sir. That was the first  
5 day I had seen him.

6 MR. TAYBACK: I have no further  
7 questions.

8 REDIRECT EXAMINATION

9 BY MR. BRAVE

10 Q Well, sir, your understanding or  
11 agreement with the State is to tell this jury what  
12 we tell you to tell the jury, or are you supposed  
13 to tell the jury the truth?

14 A Mr. Brave, when you turn away from me, I  
15 can't hardly hear you.

16 Q I am sorry. Mr. Robinson, our deal that  
17 we have, our understanding or the terms of our  
18 understanding is that you are supposed to tell the  
19 jury whatever we tell you to tell the jury, or are  
20 you supposed to tell this jury the truth?

21 A I am here to tell exactly the truth,  
22 sir.

23 Q Now, based on your answers to Mr.  
24 Tayback's question, it is true, isn't it, that  
25 LeRoy Boyce is, obviously, a drug dealer?

1           A     That is correct.

2           Q     It is true that you know him?

3           A     Yes.

4           Q     It is true that Edward Cooper knows him?

5           A     Yes.

6           Q     It is true that now you are going with

7     LeRoy Boyce's former employee Denise Coleman,

8     right?

9           A     Yes.

10          Q     It is true you came down here to sell

11     heroin?

12          A     That's right.

13          Q     And it is true that Edward Cooper's

14     mother used to go with LeRoy Boyce back in New

15     York days?

16          A     Yes.

17          Q     It is true that all of these people are

18     interrelated in some fashion through drugs?

19          A     Yes.

20          Q     It is true that you have a terrible

21     criminal record?

22          A     That is correct.

23          Q     You worked out a deal for yourself once

24     with Nancy Ryan?

25          A     Yes.

1           Q     Somebody stopped the bullet that was  
2 meant for you?

3           A     That is correct.

4           Q     All of this is true?

5           A     Yes, sir.

6           Q     Who killed the two ladies, however?

7           A     The defendant.

8           MR. BRAVE:   Thank you.

9           MR. TAYBACK:  I have no recross, Your  
10 Honor.

11          THE COURT:   You may step down.

12          MR. BRAVE:   Thank you, Mr. Robinson.

13          THE COURT:   Ladies and gentlemen, we are  
14 going to take our luncheon break now.  I am going  
15 to ask that you indulge us, and I know this is an  
16 extremely difficult request but I am going to ask  
17 you to report back at one-thirty to start the  
18 trial.

19                 (Whereupon the Court recessed, following  
20 which the proceedings in this matter resumed with  
21 no jury present.)

22          MR. BRAVE:   I don't know of any  
23 preliminary matters.

24          THE COURT:   All right, then let's bring  
25 the jury down.



1 MR. BRAVE: We are satisfied that our  
2 witnesses are sequestered.

3 MR. TAYBACK: So is the defense.

4 (Whereupon, the jury entered the  
5 courtroom, after which the following proceedings  
6 ensued:)

7 JOHN CAPERS

8 a witness produced on call of the State, having  
9 first been duly sworn, according to law, was  
10 examined and testified as follows:

11 THE CLERK: State your full name and  
12 present assignment:

13 THE WITNESS: John Capers, assigned to  
14 the District Attorney's Office, New York County,  
15 New York.

16 DIRECT EXAMINATION

17 BY MR. MURPHY

18 Q Good afternoon, Investigator Capers, you  
19 work for the New York City District Attorney's  
20 Office now; is that correct?

21 A Yes, sir.

22 Q And what do you do for the New York City  
23 District Attorney's Office?

24 A I am assigned to the homicide  
25 investigating unit there.

1           Q     How long have you been assigned to the  
2 New York City District Attorney's Office homicide  
3 investigating unit?

4           A     Since July 1st, 1985. I am sorry.  
5 April 1st, 1985.

6           Q     What do you do in your current  
7 occupation?

8           A     Investigate narcotics related homicides.

9           Q     You deal specifically with narcotic  
10 related homicides?

11          A     Yes, sir.

12          Q     Now, before you began working as an  
13 investigator for the District Attorney's Office in  
14 New York, where did you work?

15          A     Prior to that, I was working in the U.S.  
16 Congressional Select Committee on narcotics abuse.

17          Q     What did you do for that committee?

18          A     Basically it was an organization that  
19 was set up as an oversight committee to review the  
20 actions of the Drug Enforcement Administration.

21          Q     How long did you work there?

22          A     Approximately two years, from 1983 to  
23 '85.

24          Q     Before you worked for that select  
25 committee on narcotics, where did you work?

1           A       I was a detective in the New York City  
2 Police Department.

3           Q       For how long?

4           A       I was a detective for eighteen years. I  
5 did exactly twenty years in the Police Department.

6           Q       As an eighteen year detective in the New  
7 York City Police Department, what was your area of  
8 investigation?

9           A       Homicide investigations.

10          Q       Now, during your eighteen years first as  
11 a New York City homicide detective, how many  
12 homicides did you work on? Do you have any idea?

13          A       It averaged fifteen a year.

14          Q       Times eighteen whatever that is?

15          A       Yes, sir.

16          Q       You then worked for the Congressional  
17 Committee which specialized in narcotics after  
18 that and now you are an investigator for the New  
19 York City District Attorney's Office specializing  
20 in narcotic related homicides?

21          A       Yes, sir.

22          Q       How many narcotics related homicides  
23 have you worked on since you have been working for  
24 the District Attorney's Office?

25          A       In the two years, I would say fifteen to

1 twenty.

2 Q And of the number of homicides you  
3 worked on in the eighteen years as a homicide  
4 detective, how many of those if you have any idea  
5 were narcotics related homicides?

6 A Over the eighteen years, I would say  
7 seventy-five percent of them.

8 Q It would be fair to say then, would it  
9 not, investigator that you have quite some  
10 experience in working and trying to solve narcotic  
11 related homicides?

12 A Yes.

13 MR. MURPHY: Your Honor, I would offer  
14 the investigator as an expert in that area.

15 MR. TAYBACK: I have no questions.

16 THE COURT: Very well.

17 Q Would you say, investigator, based upon  
18 your experience that a narcotics related homicide  
19 is hard or easy to solve?

20 A It is extremely difficult, sir.

21 Q And why is that, investigator?

22 A Basically the groups that are involved  
23 in narcotics have a code of the street which  
24 basically means silence or not to cooperate with  
25 the police officers.

1 Q Why are they like that?

2 A I guess it is necessary for survival.

3 Q What is it that an investigator or  
4 detective such as yourself would do to make people  
5 who have a code of silence break this code of  
6 silence?

7 A Usually we look for a weakness of some  
8 type or a person who may have committed crimes  
9 that are involved in the peripheral of the drug  
10 organization.

11 Q What do you do with this knowledge you  
12 may have of their involvement in other crimes to  
13 make them talk?

14 A Well, normally we use it to our  
15 advantage. In my particular case, I would use it  
16 as an advantage and I would speak with them and I  
17 would give them the impression that I know much  
18 more about them than I do. Basically I just drop  
19 trigger words, and most times their imaginations  
20 will take over and they will assume that you know  
21 more than you do.

22 Q And also have you ever done, or is it  
23 done to your knowledge as an expert in the field  
24 that District Attorneys or State's Attorneys, as  
25 we have in Maryland, make plea bargain

1 arrangements with people to have them testify in  
2 court as to their knowledge of drug related  
3 homicides?

4 A That is one of the normal procedures,  
5 yes, sir.

6 Q And that is not something that has only  
7 been done in this case here today as far as you  
8 know, is it? I mean, that is an accepted law  
9 enforcement technique?

10 A It is one that is used. That is one of  
11 the basic ways of getting them to turn about.

12 Q And if this sort of arrangement was not  
13 done in the first instance by detectives such as  
14 yourself and then by State's Attorneys or District  
15 Attorneys in court, what would be the chances of  
16 solving or of getting to the bottom of drug  
17 related homicides?

18 A I would say it would be almost zero  
19 percentage.

20 THE COURT: What was that again?

21 THE WITNESS: Zero.

22 Q Investigator, along those lines do you  
23 know from your duties as an investigator or a  
24 detective in New York a man by the name of Robert  
25 Robinson?

1           A     Yes, I do, sir.

2           Q     Where and when did you first have

3           contact with Robert Robinson?

4           A     I would say 1975 or between '75 and '78.

5           Q     What was your relationship with Robert

6           Robinson?

7           A     Robert Robinson was one of those types

8           of individuals. He became a cooperating witness.

9           Q     And did he, in fact, testify in court in

10          New York in a murder trial?

11          A     Yes, he did, sir.

12          Q     Who was the Assistant District Attorney

13          who was involved in that murder trial?

14          A     Nancy Ryan.

15          Q     Did there come a time, investigator,

16          last summer 1986 when you had occasion to receive

17          a communication from Nancy Ryan in regards to

18          Robert Robinson?

19          A     Yes, I did.

20          Q     Do you recall what date that was on?

21          A     I believe it was July 16th, 1986.

22          Q     And what did Nancy Ryan want of you?

23          A     She wanted me to speak with Robert

24          Robinson.

25          Q     Down here in Baltimore?

1           A     Yes.

2           Q     Did she tell you why?

3           A     Basically I was working on a group in  
4     New York City and there was some indications that  
5     he would have information about those groups.

6           THE COURT:   You are saying a group in  
7     New York City?

8           THE WITNESS:   Yes, sir.

9           THE COURT:   This was like a gang?

10          THE WITNESS:   We call them groups.

11          THE COURT:   That is a term that you  
12     apply to?

13          THE WITNESS:   A gang.

14          THE COURT:   The gangs and, particularly,  
15     narcotics groups?

16          THE WITNESS:   Yes.

17          THE COURT:   Go ahead.

18          Q     And Robert Robinson, according to Nancy  
19     Ryan, could supply her through you with  
20     information on this New York City drug gang?

21          A     Yes.

22          Q     Did you make arrangements to travel to  
23     Baltimore to speak to Robert Robinson?

24          A     Yes, I did, sir.

25          Q     Did there come a time when you met a



1       Detective Oscar Requer?

2             A       Yes.

3             Q       Was that before or after you made  
4       arrangements to go down and speak to Robert  
5       Robinson in Baltimore?

6             A       I had telephone conversations with  
7       Detective Requer on the 16th of July.

8             Q       What was that conversation about?

9             A       He basically informed me that they were  
10      also interested in Robinson in reference to the  
11      case at hand today.

12            Q       And did you, in fact, come down to  
13      Baltimore and speak to Robert Robinson?

14            A       Yes.

15            Q       And where did you speak to Robert  
16      Robinson and when?

17            A       It was on July 18th and it was in the  
18      police headquarters here in Baltimore.

19            Q       Do you know whether or not Detective  
20      Requer had had a long involved conversation with  
21      Robert Robinson before you spoke to him or not?

22            A       I believe there was some conversation,  
23      but what it was I don't have any idea.

24            Q       Well, from your knowledge who knew  
25      Robert Robinson better, you or Detective Requer?

1           A       I did, sir.

2           Q       What kind of room or place did you meet  
3 with Robert Robinson in?

4           A       It was a room that is about twelve by  
5 eighteen, closed door.

6           Q       Was Detective Requer or any other member  
7 of the City, the Baltimore City Police Department  
8 in there?

9           A       No.

10          Q       And did Robert Robinson give you certain  
11 information?

12          A       Yes.

13          Q       And in what fashion did he give you this  
14 information?

15          A       It was in a conversation between him and  
16 I.

17          Q       What did the information concern?

18          A       It concerned the homicide that occurred  
19 here in Baltimore as well as additional  
20 information that I needed for New York City.

21          Q       That New York City information had  
22 nothing to do with this homicide we are talking  
23 about here today?

24          A       No.

25          Q       Did Robert Robinson tell you who did the

1 Baltimore City homicide we are talking about here  
2 today?

3 A Yes.

4 Q And did he tell you also the names of  
5 who was there and saw this homicide committed by  
6 the person who did it?

7 A Yes.

8 Q Did you have any understanding with  
9 Robert Robinson as to whether or not he would give  
10 this specific information to the Baltimore City  
11 Police Department?

12 A My agreement with him was that I would  
13 indicate to the police here in Baltimore that he  
14 had the information. That he would share the  
15 information with them at a later date.

16 Q What did you mean by he would share that  
17 with them at a later date?

18 A He felt that if he was able to make bail  
19 which was on, I believe July 22nd, that if he made  
20 bail, then he would not give them that  
21 information, but if he were not able to make bail,  
22 then he would then tell them the information that  
23 he had in his person.

24 Q And you communicated that feeling on  
25 your part to Detective Requer?

1           A     Yes.

2           Q     And do you know what happened to Robert  
3 Robinson's bail as a result of what you  
4 communicated to Detective Requer?

5           A     Yes, he was not able to make bail on the  
6 22nd.

7           Q     Did there come a time when you or  
8 Detective Requer received some contact after he  
9 couldn't make his bail from Robert Robinson?

10          A     Yes.

11          Q     When was that?

12          A     I believe it was either August 4th or  
13 the 5th of '86.

14          Q     Did there also come a time,  
15 investigator, when Detective Requer contacted you  
16 up in New York for a certain particular reason?

17          A     Yes.

18          Q     What was that particular reason and when  
19 did he contact you?

20          A     He needed my assistance in recovering a  
21 weapon that was said to be in New York City.

22          Q     And do you know when that was that he  
23 came in contact with you about that?

24          A     It was either the 5th or the 6th of  
25 August.

1           Q     Why couldn't Detective Requer himself go  
2 up to New York City and recover a weapon?

3           A     Well, it was not within his  
4 jurisdiction.

5           Q     And did Detective Requer come up to New  
6 York City sometime after the 6th of August?

7           A     I believe they arrived -- I must have  
8 spoken with Requer on the 4th or the 5th because  
9 he arrived on the 6th. He arrived in New York  
10 City on the 6th.

11          Q     What did you and Detective Requer do  
12 towards trying to find this weapon he was  
13 interested in?

14          A     Well, I made application for a search  
15 warrant.

16          Q     I don't want you to go into what was in  
17 that application, but did you give to a judge of  
18 New York City some information which led him to  
19 issue a search warrant for a certain premise in  
20 New York City?

21          A     Yes, yes.

22          Q     What premise in New York City?

23          A     It was 356 West 121st Street, apartment  
24 2.

25          Q     Is that in Manhattan?

1 A Yes.

2 Q Is that in the Harlem area of Manhattan?

3 A Yes, it is.

4 Q Did you take the search warrant with you  
5 and go up to 356 West 121st Street in Manhattan?

6 A Yes.

7 Q What day did you first go up there with  
8 the search warrant?

9 A It was August the 7th, the evening of  
10 August 7th.

11 Q And who went with you, investigator?

12 A That evening it was myself, my partner  
13 Mr. Gains, and four members of the New York City  
14 Police Department, Detective Requer, and Sergeant  
15 Landsman.

16 Q Gordon Gains is he someone who works  
17 with you?

18 A Yes.

19 Q Is he out in the corridor right now? He  
20 came down with you from New York?

21 A Yes.

22 Q To testify if necessary here?

23 A Yes.

24 Q When you first up to 356 West 121st  
25 Street, were you successful in finding what you

1       went there to look for?

2           A       Not on the evening of the 7th, no.

3           Q       Was there a particular person who in  
4       addition to the weapon you were looking for?

5           A       Yes, there was a male, black male known  
6       to us, described to us as Jesus.

7           Q       A black male named Jesus?

8           A       Yes.

9           Q       Is that the best description you had of  
10       him at the time?

11          A       At the time I had an age and proximate  
12       height, the fact that he had mixed gray hair and a  
13       full beard.

14          Q       After your unsuccessful attempt to find  
15       Jesus and this weapon on I believe it was August  
16       7th, did you go back another time and try to find  
17       Jesus and the weapon?

18          A       We went back the following morning.

19          Q       And who went with you then?

20          A       The same group of people.

21          Q       Was Jesus at 356 West 121st Street,  
22       apartment 2?

23          A       2.

24          Q       When you went back the next morning?

25          A       No, sir, he was not.

1           Q     What floor of this building is apartment  
2     2 on?

3           A     That is the first floor level.

4           Q     Is that the floor where you just walk up  
5     the steps and you are in it?

6           A     Approximately ten steps and you are in  
7     the hallway, yes.

8           Q     The first floor as opposed to the  
9     basement?

10          A     Yes.

11          Q     Did you nonetheless decide to execute  
12     this warrant by searching apartment 2 in there  
13     even though Jesus wasn't around?

14          A     Yes.

15          Q     What did you find in the apartment? Did  
16     you find the gun you were looking for?

17          A     No, sir, we didn't.

18          Q     Was anybody in that apartment?

19          A     No one.

20          Q     Did you have occasion to speak to  
21     anybody in or around that place on that date  
22     towards the end of finding where the gun was?

23          A     While the team was searching the  
24     apartment, I came out into the hallway and I had a  
25     conversation with a male that was known to me as



1 Oscar.

2 Q And did you communicate to Oscar your  
3 desire to find this gun?

4 A Yes.

5 Q How did you communicate this to Oscar?

6 A Well, I guess the best way to describe  
7 it is that I had done some research and I was  
8 aware that Oscar was a controlling factor in the  
9 crack operation that operated out of 356 and so I  
10 indicated to him that I was aware of all that he  
11 was doing and that I wasn't concerned with it at  
12 that time. My only concern was in recovering a  
13 gun and I impressed upon him that I wanted the  
14 gun.

15 Q Did he seem to take your request  
16 seriously?

17 A Yes, he did, sir.

18 Q And did you make any sort of arrangement  
19 itself as far as how and when and where you would  
20 get this gun?

21 A We discussed it in the hallway and I  
22 said to him that I wanted the gun unloaded and his  
23 concern was that he would be arrested if he placed  
24 the gun in my hand. So while we were standing  
25 there, I walked out of the building, went down to

1 the stoop. I pointed in the direction of the  
2 park, and I indicated I wanted the gun placed  
3 under a certain bench.

4 Q Detective, I am going to show you five  
5 photographs here. They have been marked for  
6 identification as State's exhibit 37, 38, 39, 40  
7 and 41. 37 and 38 what do they show?

8 A Front and a side view of 356 West 121st  
9 Street.

10 Q You mentioned you pointed out a park  
11 bench to Oscar?

12 A Yes.

13 Q I show you State's exhibit 39, 40, and  
14 41. What do these photographs show?

15 A These are the photographs of the park  
16 bench that is located on the west side of 121st  
17 Street.

18 Q That is the park bench you directed to  
19 Oscar to see if you could have the gun put under?

20 A Yes.

21 Q Did you then leave and leave Oscar to  
22 his devises?

23 A Yes.

24 Q Where did you go?

25 A I went back to my office.

1           Q     How far is that from 356 West 121st  
2 Street?

3           A     That is located in lower Manhattan. It  
4 is approximately five to six miles away.

5           Q     Did you receive a call about your  
6 request?

7           A     Yes.

8           Q     How long after your request was made?

9           A     I would say that I received the phone  
10 call at about 1:10 p.m.

11          Q     And the call directed you to go  
12 somewhere?

13          A     Yes, back to 121st Street Morningside  
14 Avenue.

15          Q     Did you go there?

16          A     Yes, sir, I did, sir.

17          Q     What occurred when you got there?

18          A     When I got there, Oscar and Troy, they  
19 were standing on the stoop at 356.

20          Q     Who is Troy?

21          A     Troy is another individual that occupies  
22 apartment 1 at 356.

23          Q     They were standing on the front steps of  
24 356 West 121st Street?

25          A     Yes.

1           Q     What, if anything, did they do or say  
2 with regard to this gun?

3           A     I walked up -- I should say Jesus walked  
4 into the building just before me. I walked up and  
5 I was talking to Oscar on the stoop. Jesus came  
6 out and three of us continued the conversation.  
7 Perhaps, two minutes elapsed and Troy walked up to  
8 the stoop again and said that the gun is under the  
9 bench. Don't lose your evidence.

10          Q     Said that to you?

11          A     Yes.

12          Q     That is Troy who said that?

13          A     Yes.

14          Q     Was he referring to the benches pictured  
15 in these photographs here?

16          A     Yes.

17          Q     The bench pictured in this photograph.  
18 What did he mean by don't lose your evidence?

19          A     He knew that I wanted the weapon.

20          Q     What did you do when he said don't lose  
21 your evidence, the gun is under the bench?

22          A     We started walking towards the bench and  
23 at that time a young man walked up and sat on the  
24 bench. So we continued walking. Gordon Gains and  
25 I continued walking towards the bench.

1           Q     What young man was this? Did he have  
2 anything to do with this gun or anything?

3           A     No, he was just a man walking south on  
4 Morningside with two shopping bags full of  
5 groceries.

6           Q     What did you do or say to this young man  
7 who came up and just sat on the bench?

8           A     As I got in the middle of Morningside, I  
9 just pointed at him with my fingers and said don't  
10 move.

11          Q     And did he move or not move?

12          A     He stood up kind of startled and started  
13 walking towards me.

14          Q     What happened next?

15          A     As I approached him, Gains walked over  
16 to the park bench and retrieved the shopping bag.

17          Q     And that is Investigator Gains your  
18 partner who is out in the hallway?

19          A     Yes.

20          Q     When Investigator Gains picked up this  
21 bag from under the bench, what was done with it?

22          A     He went into the bag and he removed a  
23 weapon from it.

24          Q     I show you State's exhibit number one  
25 which is already in evidence. You recognize that

1 gun?

2 A Yes.

3 Q And how does that gun compare to the gun  
4 that was pulled out from under the bench that was  
5 in the shopping bag?

6 A This is the same weapon.

7 Q How do you know that?

8 A Because I have my initials on it and my  
9 shield number.

10 Q Your shield number is your badge number?

11 A Yes.

12 Q Your initials are?

13 A JJC.

14 Q After you got the gun from under the  
15 bench out of the bag, did you have occasion to  
16 talk to Jesus about the gun?

17 A As I walked back to the stoop with the  
18 weapon, I asked him was this the same gun and he  
19 said yes.

20 Q That was right after you got the gun?

21 A Yes.

22 Q And did you take him somewhere after  
23 that to speak to Detective Requer and the other  
24 Baltimore City Police detectives?

25 A No, I told him that the detectives from

1 Baltimore wanted to speak with him and that he and  
2 I should go around to the 28th precinct which is  
3 about three blocks away.

4 Q And did he, in fact, go if you know?

5 A Yes, he did.

6 Q And did he meet with Detective Requer  
7 and the other Baltimore City Police officers  
8 there?

9 A Yes.

10 Q You weren't in on that conversation were  
11 you, investigator?

12 A No, I was not.

13 Q And did they have the gun with them when  
14 they went and spoke to Jesus?

15 A Yes.

16 Q That is Detective Requer?

17 A Initially, yes.

18 Q After that did you take this gun that  
19 came from under the park bench somewhere?

20 A Yes.

21 Q Where did you take it?

22 A I vouchered the gun and we took it to  
23 ballistics to be test fired and it was left there  
24 to be transported to police headquarters to the  
25 property room.

1           Q     That is in New York City police  
2 headquarters?

3           A     Yes.

4           Q     Did there come a time -- Did it remain  
5 there for some period of time?

6           A     Yes, it did.

7           Q     And did there come a time when it left  
8 there in the custody of Detective Oscar Requer?

9           A     Yes.

10          Q     Do you know -- I mean, do you know off  
11 the top of your head when that was?

12          A     I know it was September. I know it is  
13 September, the early part of September.

14          Q     Sometime in September?

15          A     Yes.

16          Q     This gun right here is the same gun you  
17 found under the park bench that day?

18          A     Yes.

19               MR. MURPHY: No other questions on  
20 direct.

21               THE COURT: Cross examine.

22                       CROSS EXAMINATION

23           BY MR. TAYBACK

24           Q     Investigator Capers, that Oscar to your  
25 knowledge was a crack dealer and controlled the



1 operation at 356 West 121st Street; is that  
2 correct?

3 A Yes.

4 Q Who worked for him?

5 A Troy and Jesus.

6 Q Jesus was what to Oscar?

7 A One of his underling, perhaps, his  
8 lieutenant.

9 Q And Troy was further down the line so to  
10 speak?

11 A Yes.

12 Q Would that be correct? So the line or  
13 the chain of command, as you understood it, was  
14 Oscar to Jesus to Troy?

15 A Yes.

16 Q Now, with respect to this particular  
17 area, this would be 121st Street how far is that  
18 from 107th Street?

19 A Fourteen blocks or so.

20 Q And 107th Street do you know an  
21 individual by the name of Cooche. That would be a  
22 street name Cooche?

23 MR. BRAVE: Objection.

24 THE COURT: Sustained.

25 MR. TAYBACK: We will to have approach

1 the bench then, Your Honor.

2 THE COURT: Approach the bench.

3 (Whereupon, counsel and the Defendant  
4 approached the bench and the following conference  
5 ensued:)

6 THE COURT: Mr. Tayback.

7 MR. TAYBACK: I don't know the basis for  
8 the objection. If it is beyond the scope of  
9 direct examination, I am going to ask that the  
10 court order the witness to stay here until he can  
11 be called in the defense case whenever that would  
12 be next week.

13 THE COURT: Mr. Murphy.

14 MR. MURPHY: I think it is on the basis  
15 of relevance.

16 MR. TAYBACK: Well, I think it is very  
17 relevant. I mean, it came out in the case that,  
18 according to Joanne Blunt, the supplier of cocaine  
19 was a person named Cooche in the 107th Street area  
20 and she described him as a Spanish male  
21 individual. I am testing her credibility through  
22 this witness.

23 It is absolutely relevant. It goes to  
24 the credibility of a prior witness. If the State  
25 is going to argue beyond the scope, and the court

1 is going to restrict me fine but this witness is  
2 going to have to remain here and is going to have  
3 to remain where he is until such time as we get  
4 around to him.

5 MR. MURPHY: I am not arguing beyond the  
6 scope for that reason. I don't want to have him  
7 hang here forever, but I do think it is not  
8 relevant.

9 MR. TAYBACK: It is clearly responsive  
10 to evidence already in the case.

11 MR. MURPHY: We concede that Joanne says  
12 LeRoy Boyce got cocaine from Cooche and he is a  
13 drug dealer I mean --

14 MR. TAYBACK: Well, I am not letting the  
15 cat out of the bag but this officer would testify  
16 that Cooche is a crack head, not a drug dealer,  
17 maybe an intermediary and is a female.

18 THE COURT: I have already sustained the  
19 objection.

20 MR. TAYBACK: On the basis of beyond the  
21 scope of the examination, Your Honor?

22 THE COURT: Yeah.

23 MR. TAYBACK: Then I am going to have  
24 ask that the court so instruct the witness to  
25 remain in Baltimore until such time as we get

1       around to him in the defense.

2               MR. MURPHY: I am not objecting to  
3       beyond the scope for that reason. If you deem it  
4       relevant, I am not objecting if he asks him that  
5       question. Now, I just want to know. I do think  
6       it is beyond the scope.

7               THE COURT: I didn't hear the last thing  
8       you said.

9               MR. MURPHY: If you -- I am saying it is  
10      not relevant. If you deem it relevant, I say it  
11      is not. He says it is. I will not object to it  
12      being beyond the scope so that we don't have to  
13      keep the investigator, you know, here for a three  
14      day weekend.

15              MR. BRAVE: His wife is going in for  
16      surgery Monday and he can't be here.

17              MR. MURPHY: So I am simply saying that  
18      it is not relevant whether it is either now or  
19      later.

20              THE COURT: All you're saying is it is  
21      not relevant.

22              MR. MURPHY: Yes.

23              THE COURT: You are not responding to  
24      any arguments presented by Mr. Tayback.

25              MR. MURPHY: Well, assuming he says this

1 Cooche is someone different, describes Cooche  
2 differently than Joanne did, I think that is  
3 collateral to it. It is impeachment, I guess, but  
4 it is on a collateral matter.

5 THE COURT: All right, I will sustain  
6 the objection.

7 MR. TAYBACK: Well, Your Honor, if I may  
8 argue further as to the last point. It may be  
9 collateral in one sense only but it is clearly  
10 relevant otherwise and the point is this. That if  
11 the individual, that is, Joanne Blunt is shown not  
12 to be telling the truth about an issue which  
13 directly relates to the drug dealings which is  
14 part and parcel of this case and if I attempt to  
15 tie it in later to the contacts between LeRoy  
16 Boyce and this particular house 356 West 121st  
17 which is where the gun was found and which was  
18 where Jesus was found --

19 So if the court is not going to allow  
20 that in at this time, so be it. As a matter of  
21 record, I think the State, however, has withdrawn  
22 its objection as to beyond the scope which would  
23 really be the only basis for allowing a sustaining  
24 of the objection.

25 MR. MURPHY: Judge, we will withdraw the

1 objection to that question.

2 (Whereupon, counsel returned to the  
3 trial table and proceedings resumed in open  
4 court.)

5 Q You may answer Inspector Capers?

6 A Would you ask the question again.

7 Q The question that I had asked you  
8 previously was did you know an individual by the  
9 name of Cooche at or about the location of 107th  
10 Street in New York City?

11 A I do know a Cooche, yes.

12 Q Is that person a male or a female?

13 A She is a female.

14 Q Would you describe her as what is called  
15 a crack head?

16 A Yes.

17 Q Does that mean a person who uses cocaine  
18 in its crack or crystalline or hard form?

19 A Yes.

20 Q She is a drug user that hangs around  
21 107th Street; is that correct?

22 A Yes.

23 Q Going back to 121st Street, you have  
24 known that to be the site of a crack or cocaine  
25 operation?

1           A     Yes.

2           Q     As a matter of fact, that was part of  
3     the basis for your search warrant for that  
4     particular location; is that not correct?

5           MR. BRAVE:  Objection.

6           THE COURT:  Sustained.

7           Q     You received your search warrant and you  
8     proceeded into that particular residence.  As I  
9     understand it, Jesus' apartment was apartment  
10    number 2?

11          A     Yes.

12          Q     Is there also somebody else who was  
13    indicated as living at that particular address?

14          A     I was told that there was a female.

15          MR. BRAVE:  Objection.

16          THE COURT:  Sustained.

17          Q     Just answer the question yes or no.  Was  
18    it indicated that there was a second individual  
19    who lived or occupied or in some way used  
20    apartment number 2 at that particular address?

21          MR. BRAVE:  Objection.

22          THE COURT:  Sustained.

23          Q     When you went there, Jesus was not  
24    there.  Oscar, however, did come up to you and you  
25    made the arrangements through Oscar; is that

1 correct?

2 A Yes.

3 Q For the return of the gun. Subsequently  
4 the return of the gun was effected because you did  
5 receive it and that was through Jesus through Troy  
6 and through Oscar; is that all true?

7 A Oscar and Jesus were involved. Troy  
8 informed me that the gun was there, yes.

9 Q Troy was the younger man who came  
10 walking up the street to inform you that the gun  
11 was under the bench at Morningside and that you  
12 better go get it before it was lost?

13 A Yes.

14 Q Had you known the name of one LeRoy  
15 Boyce prior to this particular case, Inspector  
16 Capers?

17 A No.

18 Q With respect to the situation the one  
19 person that you knew was Robert Robinson; is that  
20 correct?

21 A Yes.

22 Q You also were familiar with Eddie "Easy"  
23 Cooper, but the one you really knew was Robert  
24 Robinson?

25 A Yes.



1           Q     Your information subsequently as to  
2     Oscar, Jesus, and Troy was developed through your  
3     investigation; is that true?

4           A     Yes.

5           Q     As to Robert Robinson his arrangement  
6     with you was clearly one to benefit himself; is  
7     that correct. Would that be a fair  
8     characterization of it?

9           A     Yes, sir.

10           MR. TAYBACK: I have no further  
11     questions.

12                         REDIRECT EXAMINATION

13     BY MR. MURPHY

14           Q     Investigator, Robert Robinson in your  
15     relationship with him, of course, benefited  
16     himself. What did he do for you and the State of  
17     New York?

18           A     He gave us added information that we  
19     needed also.

20           Q     And when he testified in court as well  
21     back in 1975 I think it was --

22           A     No, he has testified a number of times.  
23     The last time he testified was the winter of 1986.

24           Q     Well, did that testimony -- Was that  
25     simply to help him out for his own good, if you

1 know or whatever, or did that help the people of  
2 the State of New York?

3 A At that time it was just to assist the  
4 State of New York.

5 Q It was beneficial to the people of the  
6 State of New York?

7 A Yes.

8 Q You were asked a question about Cooche.  
9 The Cooche that you know of, what ethnic  
10 background is that Cooche?

11 A I believe she explained it that her  
12 father is Hispanic. Her mom is black and she  
13 considers herself Hispanic.

14 Q Is Cooche, given that ethnic background,  
15 is that a common or uncommon name in your  
16 experience in New York?

17 A It is a familiar name that is given to  
18 several of the females that are in that area or in  
19 Spanish Harlem.

20 Q Can it also be a male name or does it  
21 have to be a female name?

22 A It could be either.

23 Q You have heard it in connection with  
24 both?

25 A Yes.

1           Q     Do you know all of Cooches there are in  
2 New York?

3           A     No, just that particular one.

4           MR. MURPHY: I have no other questions.

5                        RE CROSS EXAMINATION

6 BY MR. TAYBACK

7           Q     With respect to your last response even  
8 though you are willing to speculate with the State  
9 that Cooche is a somewhat familiar name, is it not  
10 correct that the Cooche that you know who has to  
11 do with 107th Street is a drug user who is a  
12 female, who is half Spanish, half black period?

13          A     That is true.

14          MR. TAYBACK: No further questions.

15          MR. MURPHY: No redirect, and I would  
16 offer State's exhibit 37 through 41 into evidence.

17                       (Received into evidence  
18 State's exhibit 37-41.)

19          THE COURT: All right, thank you very  
20 much, Investigator Capers.

21          MR. MURPHY: Can we approach the bench  
22 off the record?

23          THE COURT: Yes.

24                       (Whereupon, there was an off the record  
25 discussion.)

1 THE COURT: All right, we have come to  
2 the conclusion of the today's testimony?

3 MR. BRAVE: That is correct.

4 THE COURT: All right, ladies and  
5 gentlemen, the court is not certain as to what  
6 your understanding of the observance of holidays  
7 between the Federal and the State system is.  
8 However, in the event that some of you are not  
9 aware, the State observes the 4th of July holiday  
10 on Friday, July the 3rd which is tomorrow. For  
11 that reason, this court would not be in attendance  
12 tomorrow. So that you would not return to resume  
13 this trial then until nine-thirty on Monday  
14 morning.

15 All of the admonitions that I have given  
16 you before are still in effect, that is, not to  
17 allow anyone to approach you try to talk to you  
18 about this case, and to please try to stay away  
19 from any newspaper accounts of this case. This  
20 court will stand adjourned until Monday morning at  
21 nine-thirty.

22 (Whereupon, the jury was excused and a  
23 juror asked to speak to the court.)

24 THE COURT: Identify yourself, please.

25 THE JUROR: Annette Gregory. I would

1 just like to know is it possible that I could be  
2 dismissed from the jury. I was going to go on my  
3 vacation. If not, maybe I could change it to a  
4 further date.

5 THE COURT: Does this create a severe  
6 hardship on you?

7 THE JUROR: Not really, but I just would  
8 like to know because I did have plans. Maybe  
9 tomorrow you know, I can maybe change it.

10 THE COURT: I guess the answer is no  
11 then.

12 THE JUROR: No.

13 THE COURT: No.

14 THE JUROR: Okay. Thank you.

15 MR. TAYBACK: With respect to that  
16 particular card that has been marked as the card  
17 for a hearing on the motion only, I think the  
18 State has had the opportunity to review it. Now,  
19 I think the court has had the opportunity to  
20 review it. Now, I would like to retrieve it at  
21 this time.

22 MR. BRAVE: You are looking at me. I  
23 don't have it. The clerk has it. Why should you  
24 get it back?

25 MR. TAYBACK: Because that was our

1       agreement. That is why. I don't know what else I  
2       can tell you.

3               THE COURT: I quite frankly don't know.  
4       It was a very vague and nebulous motion that was  
5       made. I mean --

6               MR. TAYBACK: I don't know either, but  
7       the State had wanted it to be marked. I allowed  
8       it to be marked with the understanding that after  
9       the State had the opportunity to review it, I  
10      would get it back. I made it very clear. I  
11      didn't want it made part of the case so I would  
12      have it in my possession.

13              MR. BRAVE: If you are going to use it  
14      for any purpose, you will again have it marked?

15              MR. TAYBACK: Sure at the appropriate  
16      time.

17              THE COURT: All right, I think that  
18      concludes things for today. We will stand  
19      adjourned until Monday morning.

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8 I further certify that the foregoing  
9 pages numbers one through one hundred sixty-one  
10 constitute the official transcript of proceedings  
11 as transcribed by me to the within typewritten  
12 matter in a complete and accurate manner.

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Diane R. Walker  
Official Court Reporter

1 IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND  
2  
3 STATE OF MARYLAND

4 INDICTMENT NO. 18626016-17

5 VERSUS  
6 REUBEN RAINEY

7 \_\_\_\_\_ / JULY 6, 1987

8 REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS

9 BEFORE:

10 THE HONORABLE ARRIE W. DAVIS, JUDGE  
11 AND A JURY

12 APPEARANCES

13 ON BEHALF OF THE STATE:

14 SAMUEL BRAVE, ESQUIRE  
15 BRIAN MURPHY, ESQUIRE  
16 ASSISTANT STATE'S ATTORNEYS

17 ON BEHALF OF THE DEFENDANT:

18 GORDON TAYBACK, ESQUIRE

19 REPORTED BY:  
20 Rita M. E. Taggart  
21 Official Court Reporter  
22 507 Courthouse West  
23 Baltimore, Maryland 21202  
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P R O C E E D I N G S

July 6th, 1987

MR. BRAVE: Your Honor, good morning.  
Strictly scheduling. While we are waiting for the  
Defendant, may we raise a matter about strictly  
scheduling? I'm aware of Your Honor's desire,  
normal desire to deal with the problem when it  
arises and if it arises but I just wanted to give  
you a general --

THE COURT: Let me make the record clear  
on one thing, Mr. Brave. The only thing I've been  
trying to say is from time to time all of these,  
this big -- this is off the record.

(Discussion off the record.)

(Whereupon, the Defendant entered the  
courtroom.)

THE COURT: All right, let's get the  
jury down. Jury please.

(Whereupon, the jury entered the  
courtroom, after which the following proceedings  
ensued:).

THE COURT: Counsel, let me see you for  
one moment at the bench. We don't need the court  
reporter.

(Whereupon, a bench conference was held

1       which was not made a part of this record,  
2       following which proceedings resumed in open  
3       court.)

4               THE COURT:   Good morning, ladies and  
5       gentlemen.

6               THE JURY:    Good morning.

7               THE COURT:   I trust you all had a very  
8       relaxing and enjoyable holiday and I expect that  
9       we will move forward expeditiously at this point.

10              Mr. Brave.

11              MR. BRAVE:   Good morning, Your Honor.

12              Your Honor, State at this time calls  
13       Leepoleon Jackson.

14              THE CLERK:   State satisfied its  
15       witnesses have been sequestered?

16              MR. BRAVE:   Yes, satisfied.

17              THE CLERK:   Defense satisfied?

18              MR. TAYBACK:  Yes.

19                      LEEPOLEON JACKSON,

20       a witness produced on call of the State, having  
21       first been duly sworn, according to law, was  
22       examined and testified as follows:

23              THE CLERK:   State your name and address.

24              THE WITNESS:  Name is Leepoleon Jackson.

25              THE CLERK:   Into the mike please.

1 THE WITNESS: My address is Locust  
2 Valley.

3 DIRECT EXAMINATION

4 BY MR. BRAVE:

5 Q Mr. Jackson, sir, you have a very nice  
6 but somewhat soft voice. I'm going to ask you to  
7 lean right into the mike and make sure that  
8 everybody out there can hear you nice and clear.  
9 Okay, sir?

10 A Yes.

11 Q Mr. Jackson, you just indicated you live  
12 in Locust Valley, New York?

13 A Yes.

14 Q That's where you presently live?

15 A Yes.

16 Q And that's somewhere out on Long Island?

17 A Yes, is in Nassua County.

18 Q At one time you had some contact with a  
19 building on 121st Street, 356 West 121st Street,  
20 to be exact?

21 A Yes.

22 Q Tell the ladies and gentlemen of the  
23 jury what your contact with that building was?

24 A Well, my contact with that building was  
25 assistant upkeeper. You know, I was helping the

1       assistant manager to upkeeping the building.

2           Q       You did maintenance?

3           A       Yes.

4           Q       And repairs?

5           A       Yes.

6           Q       And arranged for the repairs if you were

7       unable to do them yourself?

8           A       Yes.

9           Q       And did you occupy any space in that

10       building on 121st Street?

11          A       Yes.

12          Q       What space did you occupy?

13          A       Well, I had what you call a small

14       kitchenette in the rear of the building on the

15       first floor.

16          Q       Now, as far as other residents of that

17       same building, did anyone else live on the first

18       floor with you?   Not with you --

19          A       Yes.

20          Q       -- but have quarters on the first floor?

21          A       Yes.

22          Q       Who would that be?

23          A       Troy.

24          Q       Now, moving up to the third floor, did

25       anyone live up there?

1           A     Yes.

2           Q     Who lived up there?

3           A     Gentlemen by the name Oscar.

4           Q     Did anybody else live up there?

5           A     On the -- on the second floor or the

6     third floor, I'm sorry?

7           Q     Oh, okay. What floor did Oscar live on?

8           A     The second floor.

9           Q     I had skipped the second floor. But

10    Oscar lives on the second floor. Now, we move to

11    the third floor, who occupied any apartment or

12    apartments on the third floor?

13           A     Well, it was a gentleman named Charlie

14    Taylor.

15           Q     Did he live alone?

16           A     Yes.

17           Q     In his own apartment?

18           A     Yes.

19           Q     Was there any other apartment up there?

20           A     Yes, it was two other apartments up

21    there.

22           Q     Who lived in the other two, if you

23    remember?

24           A     A gentleman named Rudy and Linda lived

25    in one of them and the back one was another guy

1        named Little Rudy, Rudy and Jean lived in there.

2            Q        So there is three apartments and one is  
3        occupied by a gentleman by the name of -- what was  
4        his name, the first one you mentioned?

5            A        Rudy.

6            Q        No, the first, the man that lived alone?

7            A        Charlie Taylor.

8            Q        All right, Charlie Taylor lives in one  
9        apartment and there is two other apartments and  
10       there is a Rudy who lives with a Linda --

11          A        Yes.

12          Q        -- in one of them and a Little Rudy you  
13       say?

14          A        Yes.

15          Q        Any relationship between Little Rudy and  
16       the other Rudy?

17          A        No.

18          Q        Just that they were both named Rudy?

19          A        Yes.

20          Q        And Little Rudy lived alone or with  
21       someone?

22          A        With someone.

23          Q        Okay. Now, let's turn our attention to  
24       the third floor apartment occupied by Rudy and  
25       Linda. Do you see the Rudy of Rudy and Linda in

1 the courtroom today?

2 A Yes.

3 Q Would you point him out for the jury?

4 A It's the gentlemen sitting over here at  
5 this table, yes.

6 Q Indicating for the record the Defendant,  
7 Reuben Rainey.

8 To the best of your knowledge, did the  
9 Defendant and Linda live together?

10 A Yes.

11 Q Did they have a family?

12 A Yes, they have one little daughter.

13 Q Now, in addition to your role in the  
14 house on 121st Street, at that time -- now, the  
15 time I'm speaking of is June of 1986 -- at that  
16 time did you know a lady over in New Jersey?

17 A Yes.

18 Q And who you spent time with from time to  
19 time?

20 A Yes.

21 Q Now, I want to show you what has been  
22 marked State's Exhibits 37 and 38 and tell me if  
23 you recognize what is on these photographs?

24 A Yes.

25 Q What are these photographs of, sir?

1           A       Well, this photograph, this photograph  
2       of the general block of 121st Street and that one  
3       is the apartment building that I live in, 356.

4           Q       So State's Exhibit 37 is a picture of  
5       the outside of 356 West 121st Street where you  
6       occupied a kitchenette apartment?

7           A       Yes.

8           Q       And performed maintenance duties?

9           A       Yes.

10          Q       And although all the houses seem to look  
11       just like each other because they're row houses  
12       but do you recognize State's Exhibit 38 as the  
13       even side of the 300 block of West 121st Street?

14          A       Yes.

15          Q       Do you know which building along that  
16       line is 356?

17          A       I would say that it's -- I say this  
18       building right here which sets between the two  
19       cars which is somewhat -- on the outside would be  
20       356. That's the same side of the street that 356  
21       is on.

22          Q       So you are pointing to the middle  
23       building in the middle of this photograph?

24          A       Yes.

25          Q       Okay. It looks pretty much like the



1 building on each side of it?

2 A Yes.

3 Q Okay. Now, sir, I want to refer you to  
4 the month of June, 1986. Before I do that, let me  
5 show you what has been marked State's Exhibit 1.  
6 Have you ever seen this before?

7 A Yes.

8 Q Take a good look at it.

9 A Yes, I have seen this before.

10 Q I notice you turned it to the top for a  
11 moment. Was there any particular reason you did  
12 that?

13 A Yes.

14 Q What's that, what was the reason?

15 A Well, it has some red polish. It is  
16 paint, a fingernail polish on the sight of the  
17 gun.

18 Q Okay. Does that red fingernail polish  
19 help you identify this gun?

20 A This?

21 A Identify this gun?

22 A Yes.

23 Q When is the first time saw this gun?

24 A Either the first or second week in June.

25 Q Of which year?

1           A     Of last year.

2           Q     And where were you when you first saw  
3 this gun?

4           A     I was on the third floor of 356 121st  
5 Street.

6           Q     Which of the three apartments that you  
7 just described were you in?

8           A     I was in the front apartment which was  
9 occupied by Reuben Rainey and Linda at 356.

10          Q     You were in the Defendant's apartment?

11          A     Yes.

12          Q     On the third floor?

13          A     Yes.

14          Q     And this is some day during the first  
15 two weeks in June of 1986?

16          A     Yes.

17          Q     Who else was in that room with you, if  
18 anyone?

19          A     Nobody.

20          Q     Just you were in there alone?

21          A     Just him and I. Mean, Mr. Rainey and I  
22 was in the room.

23          Q     You were with Mr. Rainey?

24          A     Yes.

25          Q     And that's when you first saw the gun?

1           A     Yes.

2           Q     Tell us the circumstances under which  
3     you first saw that gun when you were alone with  
4     Mr. Rainey in his apartment on the third floor?

5           A     I was on the third floor looking for  
6     Charlie Taylor and as I was coming up the steps  
7     the door to Mr. Rainey's apartment was open and he  
8     spoke to me and asked me in and at that particular  
9     time I seen that particular gun or one that looks  
10    like that particular gun in Mr. Rainey's pants.

11          Q     Now, you are indicating something with  
12    your hands. What are you doing?

13          A     Well, that's where the gun was sticking  
14    in his belly.

15          Q     You are indicating that the gun was --

16          A     Yes.

17          Q     -- in the front of his pants sticking  
18    out?

19          A     Yes.

20          Q     And what happened next after you saw a  
21    gun sticking out of his pants?

22          A     Well, Mr. Reuben asked me if I wanted to  
23    take that gun and pawn it for X amount of  
24    dollars. It was either fifty dollars or a hundred  
25    dollars. I'm not sure which one it was.

1           Q     It was one or the other?

2           A     Yes.

3           Q     And what was your response, what did you  
4 say to him?

5           A     Well, I didn't need the particular gun  
6 was my response but he says but he needed the  
7 money to get back to work.

8           Q     Okay.

9           A     So I had money business with Mr. Rainey  
10 before, which was somewhere on the basis of  
11 twenty, twenty-five dollars.

12          Q     When you say you had money business with  
13 Mr. Rainey before, and it was somewhere between  
14 twenty and twenty-five dollars, can you be more  
15 specific? Was he lending you money or were you  
16 lending him money?

17          A     I was lending him money.

18          Q     So he was in to you at this point for  
19 approximately how much money?

20          A     Probably about fifty dollars or so.

21          Q     Now, he wanted to sell you this gun for,  
22 as you remember it, either fifty for a hundred  
23 dollars?

24          A     Yes.

25          Q     Did you buy it?

1           A       I didn't buy it. I took it and would  
2 hold it until he returns that next week and he  
3 would take the gun back from me.

4           Q       Did you give him some money?

5           A       Yes.

6           Q       And that was either fifty or a hundred  
7 dollars?

8           A       Yes.

9           Q       And after the Defendant gave you this  
10 gun, what did you do with it?

11          A       Well, I took it downstairs in my  
12 kitchenette and then I moved it out of the  
13 building, in other words, to another location.

14          Q       Now, that is the house in New Jersey  
15 that we briefly talked about --

16          A       Yes.

17          Q       -- five minutes ago?

18          A       Yes.

19          Q       Okay. That's where the gun eventually  
20 wound up?

21          A       Yes.

22          Q       In New Jersey?

23          A       Yes.

24          Q       Now, there's parts of New Jersey that  
25 are close to New York City, there are parts of it

1 way down close to Maryland. What part of New  
2 Jersey are you talking about?

3 A The New Jersey I'm talking about is  
4 right next to the Newark Airport. To be specific  
5 it was right next to Wheatway Park. It's a big  
6 park they call Wheatway Park and it was --

7 Q So you are talking about an area of New  
8 Jersey which is thirty to forty minutes at the  
9 most from 121st Street?

10 A Yes.

11 Q Now, did there come a time on August the  
12 8th, 1986 when you received a call from a  
13 gentleman by the name of Oscar?

14 A Yes.

15 Q Is that the same Oscar who had an  
16 apartment on the second floor?

17 A Yes.

18 Q And what did Oscar tell you in his  
19 telephone conversation?

20 A Oscar told me that it was some police  
21 from Baltimore had a search warrant and had  
22 already searched my apartment and they were  
23 looking for a gun which was involved in a double  
24 murder in Baltimore.

25 Q They told you that some police were at

1 your place looking for a gun armed with a --

2 A Yes.

3 Q -- search and seizure warrant?

4 A Yes.

5 Q Did Oscar read you the application for  
6 that search and seizure warrant?

7 A Yes.

8 Q When he read you -- after he read you  
9 the application for that search and seizure  
10 warrant, did you have an opinion as to where that  
11 information came from?

12 A Yes.

13 Q In your opinion, where had that  
14 information come from?

15 A Mr. Rainey.

16 Q Why do you say that?

17 A Because at the time that we did that  
18 particular transaction, it was no one present  
19 outside of him and I. We were the only peoples  
20 that were present then.

21 Q Did you, after you bought this gun from  
22 Reuben Rainey, did you tell anyone that you had  
23 bought this gun from Reuben Rainey?

24 A No.

25 Q So that eliminates you as talking about

1 it?

2 A Oh, yes.

3 Q So, after Oscar reads you this  
4 affidavit, you say to yourself, that's got to come  
5 from Reuben Rainey?

6 A Yes.

7 Q You don't know through whose ears and  
8 mouth it passed but you knew it originated, had to  
9 have originated with Reuben Rainey?

10 A Yes.

11 Q Did you make a decision as to whether or  
12 not to cooperate with the police in their search  
13 for this gun?

14 A Yes. At that particular time, yes.

15 Q And what was your decision?

16 A Well, my decision was to give them back  
17 that gun which they was requesting.

18 Q Now, the gun at this point in time is  
19 stashed away somewhere in New Jersey, near --  
20 within the area of the Newark Airport?

21 A Yes.

22 Q Did you take steps to have that gun  
23 brought into the city?

24 A Yes.

25 Q Did you take steps to place that gun in



1 the hands of the police?

2 A Yes.

3 Q Did you personally yourself hand the gun

4 to the police?

5 A No, I did not.

6 Q Did you make arrangements for the gun to

7 be retrieved by the police?

8 A Yes.

9 Q Did you set up that plan?

10 A I was instrumental in that, yes,

11 overall.

12 Q You helped set up the plan?

13 A Yes.

14 Q And later that day did you return to

15 121st Street?

16 A Yes.

17 Q Were you present when the police

18 recovered the gun?

19 A Yes.

20 Q Did they recover the gun at the place

21 that you had designated?

22 A Yes.

23 Q Where did they recover that gun from?

24 A As I recollect, on, facing 121st Street

25 on Morningside Avenue, on a park bench.

1           Q       I'm going to show you some photographs  
2 marked State's Exhibits 39, 40, and 41. If you  
3 recognize what is shown on these photographs, tell  
4 the jury what they are.

5           A       Yes. This is directly in front of 121st  
6 Street, this is the park bench that the gun were  
7 placed under. This one.

8           Q       You are referring to State's Exhibit  
9 40.

10          A       This one also shows the same thing.

11          Q       Okay. From a little different distance?

12          A       Yes. And this is just a closeup of the  
13 same picture which is facing 121st Street and  
14 Morningside Avenue.

15          Q       In other words, these are three  
16 photographs of the same park bench taken from  
17 different angles and distances, is that fair to  
18 say?

19          A       Yes.

20          Q       Now, after you observed the gun being  
21 recovered, did the police ask you to go somewhere?

22          A       They asked me to come up to the precinct  
23 which is on 8th Avenue in New York City.

24          Q       At that location -- did you go there?

25          A       Yes.

1           Q     Did you meet with a Detective Oscar  
2     Requer of the Baltimore City Police Department?

3           A     Yes.

4           Q     A rather large gentlemen?

5           A     Yes.

6           Q     And did he ask you certain questions?

7           A     Yes.

8           Q     Did you answer those questions?

9           A     Yes.

10          Q     And did he put them down on a piece of  
11     paper and ask you to sign the piece of paper --

12          A     Yes.

13          Q     -- saying that that was the truth? That  
14     statement that you signed -- pardon me for one  
15     moment. I think I've got it.

16               MR. BRAVE: For identification please.

17               (Whereupon, so marked.)

18               MR. TAYBACK: Your Honor, while the  
19     clerk is marking that, I guess we will have to  
20     approach the bench again on the same -- this issue  
21     has been raised previously on other witnesses.

22               THE COURT: Approach the bench.

23               (Whereupon, counsel and the Defendant  
24     approached the bench and the following conference  
25     ensued:)

1 MR. TAYBACK: Your Honor, you can not,  
2 even if you just speak about it without  
3 introducing it, you cannot essentially introduce  
4 in a roundabout form a prior consistent statement  
5 or that which the State argues is prior and  
6 consistent, and until such time as State's  
7 witnesses are impeached, and you can't impeach  
8 your own witness unless you claim surprise.

9 I don't understand the State's point  
10 that -- this is the third time I've had to do this  
11 now, on Joanne Blunt, on Nellie Chew we had to do  
12 it. The same issue comes up time and time again.

13 You cannot introduce, even without  
14 introducing the evidence itself, that is the  
15 written document, you cannot introduce it in a  
16 roundabout way, asking about it, whether what you  
17 said then is the same as you said now, a prior  
18 consistent statement until the witness is  
19 impeached.

20 MR. BRAVE: What I have been doing in  
21 the past, and what I had hoped to do subject to  
22 your approval present, was to ask the witness to  
23 just take a look at the statement and confirm  
24 that, yes, this is the statement he gave the  
25 police, and ask one follow up question, did you

1 tell them then the same thing that you just told  
2 the jury now. And I think you have been allowing  
3 that limited form of question, Your Honor.

4 THE COURT: I believe I did allow you to  
5 ask whether or not the police had asked you about  
6 things you have just testified to and did you in  
7 essence tell them the same thing. But we have  
8 been over this thing about the statement and you  
9 don't have a right to produce a prior consistent  
10 statement until you are in essence rehabilitating  
11 the witness.

12 MR. BRAVE: Shouldn't even show it to  
13 him?

14 THE COURT: For what purpose? What are  
15 you doing with it? I mean, what's the purpose?

16 MR. BRAVE: To show he's just testified  
17 substantially the same as when he first talked to  
18 the police back --

19 THE COURT: It's a prior consistent  
20 statement, isn't it?

21 MR. BRAVE: Yes. It would appear to be.

22 THE COURT: So that if he has not been  
23 impeached, if there isn't any need to rehabilitate  
24 him, there is no reason to have a prior consistent  
25 statement.

1 MR. BRAVE: Very well, Your Honor.

2 (Whereupon, counsel returned to the  
3 trial table and proceedings resumed in open  
4 court.)

5 BY MR. BRAVE:

6 Q Mr. Jackson, I'll just end with one  
7 question, just yes or no, did you give a statement  
8 to the police back on August 24, 1986?

9 A Yes.

10 MR. BRAVE: Okay. Sir, Mr. Tayback may  
11 have some questions of you.

12 CROSS EXAMINATION

13 BY MR. TAYBACK:

14 Q Mr. Jackson, what do you do for a  
15 living?

16 A Well, I'm a, I'm a landscaper.

17 Q That's not another term for drug dealer,  
18 is it?

19 A I don't think so.

20 Q Well, in your landscaping business, do  
21 you earn any income?

22 A Yes.

23 Q Do you ever file income tax returns?

24 A Yes.

25 Q When did you file an income tax return?

1           A     Two years ago.

2           Q     With the State of New York?

3           A     Yes.

4           Q     Did you bother to file one with the  
5 federal government?

6           A     Yes.

7           Q     And in what year was that?

8           A     Same year.

9           Q     What year?

10          A     '85.

11          Q     '85 you say you filed income tax  
12 returns?

13          A     Yes.

14          Q     Certainly didn't file any in 1986, did  
15 you?

16          A     No.

17          Q     Now, your income in 1986 came from  
18 drugs, is that correct?

19          A     Come from what?

20          Q     Come from drugs, from drug dealing?

21          A     I don't know nothing about that.

22          Q     I am sorry what --

23          A     I say I don't know nothing about drug  
24 dealing.

25          Q     You are not talking to -- going to talk

1 about that. Have you gone to jail for the drug  
2 charge for which you have been convicted?

3 A No.

4 Q That's still being held off?

5 A Yes.

6 Q Oscar and Troy essentially worked  
7 together with you in dealing what is called crack,  
8 is that true?

9 A No, sir.

10 Q Isn't that the reason why you are at the  
11 location of 356 West 121st Street, room number 2,  
12 Manhattan, New York?

13 A No, sir.

14 Q You live, according to the information I  
15 have, at Locust Valley which is in Nassua County  
16 which is on Long Island in the State of New York,  
17 isn't that true?

18 A Yes.

19 Q Do you remember on April 13th, 1987,  
20 saying that?

21 MR. BRAVE: Excuse me, can you give us a  
22 reference please?

23 Q 135, line 14.

24 Q Do you recall on that particular date  
25 indicating that with respect to this gun that you



1       have identified that you took it to your house  
2       where you lived in Locust Valley or your words  
3       were on Locust Valley, do you remember saying  
4       that?

5             A       No, sir.

6             Q       Well, let me show it to you.   Now, Mr.  
7       Jackson, I'm going to refer you to page 135 of  
8       this transcript, line 14 is the line that is your  
9       answer to my question.   Previously on line 9 I had  
10      asked you concerning this gun and I said, you took  
11      it somewhere, where did you take it?   Answer:   I  
12      took the gun up to the other place.   Question:  
13      Where is the other place?   Answer:   Well, I'd  
14      rather not say.   Question:   I'm asking you.  
15      Answer:   I took it to my house where I lived on  
16      Locust Valley.   Question:   You took it to the  
17      Locust -- you took it to Locust Valley in Long  
18      Island?   Answer:   Yes.

19                I'm referring you to lines 9 to 16,  
20      those are the lines I read of that.   If you want  
21      to, look at that and refresh your memory.

22                Did you find that, Mr. Jackson?

23             A       Yes.

24             Q       Is that what you said?

25             A       I think so, yes.   If that's what that

1 book says, yes.

2 Q It says on the front, does it not, April  
3 13th, 1987?

4 A Yes.

5 Q That's what you told us two and a half  
6 months ago and now you are telling us about some  
7 place near Newark Airport in Newark, New Jersey on  
8 April 13th, 1987, you took exactly the same oath  
9 as you have taken today. Which time were you  
10 lying and which time were you telling the truth?

11 A Well, as I recollect that, I took the  
12 gun to the Newark Airport in Newark and that is  
13 what I recollect to be the truth. If I said that  
14 then, what I'm saying now is that's the way that I  
15 remember it to be, that the gun was took to  
16 Newark.

17 Q Do you have a specific address for that  
18 place in Newark?

19 A Yes, 21 Smith Street.

20 Q I am sorry, 21?

21 A 21 -- 28 Smith Street.

22 Q So it's either 21 or 28 Smith Street?

23 A Yes.

24 Q Is Smith Street in a particular town?

25 A It's in Newark.

1 Q Just in Newark, is that right?

2 A That's the best that I can --

3 Q Best you can come up with?

4 A Yes.

5 Q You referred also when the State's

6 Attorney asked you about it to having had Oscar

7 read over the telephone to you the affidavit

8 attached to the search warrant and you said that

9 the information contained in there could only have

10 come from Reuben Rainey and that's why you decided

11 to cooperate with the police, is that correct?

12 A Yes.

13 Q For example, where it says that you're

14 fifty years of age and you have -- your

15 approximately six feet tall and you have close

16 cropped hair and a full beard, that information, a

17 male, black, that information certainly is

18 correct, is it not?

19 A Excuse me, I didn't understand your

20 question. Would you repeat the question?

21 Q Where the information comes from an

22 informant -- and are you known as Jesus, by the

23 way?

24 A Yes.

25 Q Describes Jesus as a male black,

1 approximately fifty years of age, approximately  
2 six feet tall?

3 MR. BRAVE: Objection, Your Honor. Like  
4 to approach the bench.

5 THE COURT: Approach the bench.

6 (Whereupon, counsel and the Defendant  
7 approached the bench and the following conference  
8 ensued:)

9 MR. BRAVE: Judge, it's my objection. I  
10 got, I got into the contents of the affidavit for  
11 the limited purpose of not for the truth of what  
12 it contained but for the limited purpose as to the  
13 witness' reaction or state of mind to having heard  
14 that affidavit.

15 THE COURT: But where we are right now  
16 has to deal with the question that you asked  
17 regarding whether or not the information could  
18 have only come from Reuben Rainey.

19 MR. BRAVE: Right, exactly. That was  
20 the limited purpose. Now, in this affidavit there  
21 is reference to the fact that the police have  
22 probable cause to believe that he's a crack  
23 dealer, and I think that's where Mr. Tayback is  
24 heading. I don't want to put words in his mouth,  
25 give him any ideas but I'm sure that's where he's

1 heading. That seems to me to be off the mark and  
2 strictly hearsay. And this is not -- it's a  
3 collateral matter entirely and not proceeding to  
4 litigate whether or not the police had or did not  
5 have probable cause to enter this man's  
6 apartment.

7 The Defendant certainly has no standing  
8 to contest the probable cause in this affidavit.

9 THE COURT: Mr. Tayback.

10 MR. TAYBACK: Your Honor, I'm simply  
11 responding to that which the State introduced in  
12 its direct examination of this witness. I didn't  
13 object at that time. The State has opened the  
14 door. I should certainly have the right to  
15 proceed forward.

16 The State specifically asked the witness  
17 concerning the information in the affidavit and  
18 specifically referred to it and asked the  
19 Defendant questions about it, not only as to his  
20 state of mind but also as to the source of the  
21 information. I certainly have a right to respond  
22 to it and bring out the other information  
23 concerning how that affects state of mind and also  
24 as to that source of information as well to  
25 indicate that he was not telling the truth to Mr.

1 Brave concerning one issue and also how it  
2 reflects on his state of mind, number two, and how  
3 he becomes a selfserving person to protect his  
4 crack operation.

5 It's simply a situation where the State  
6 went forward and I have a right follow and the  
7 State cannot preclude me at this time from doing  
8 so.

9 MR. BRAVE: Your Honor, hearsay is  
10 permitted contained within the four corners of an  
11 affidavit. But hearsay is not permitted in this  
12 proceeding to develop facts to impeach this man's  
13 credibility, the hearsay that the police have.

14 Now, if Mr. Tayback wants to concern  
15 himself with my statement that -- the witness'  
16 statement that after reading the affidavit I knew  
17 it could only come from one source, Mr. Tayback  
18 can say what in this led you to believe that.  
19 That seems to me a perfectly valid avenue of  
20 inquiry but to get into other matters which is  
21 strictly hearsay and matters within the knowledge  
22 of the police based on hearsay certainly doesn't  
23 impeach this witness.

24 MR. MURPHY: He can ask him if he's a  
25 crack dealer, he can say no, that's the end of

1 it. He can't say, isn't it true this warrant says  
2 that you are. I don't think he can do that.

3 MR. TAYBACK: I have not phrased the  
4 questions that way and the phrasing that I'm  
5 using, the question is directly responsive to the  
6 State's line of inquiry, I certainly have the  
7 right to do so.

8 For the State to say, well, he can ask a  
9 question such and such but he can't go further is  
10 to restrict appropriate cross examination  
11 developed on a point that was introduced into the  
12 case by the State on it's direct examination.

13 THE COURT: Well, the one point that the  
14 State is making is that you can't impeach this  
15 witness by information that clearly is not even  
16 offered by the writer of this affidavit.

17 MR. TAYBACK: I'm sorry.

18 THE COURT: In other words, apparently  
19 in the affidavit the source of, whatever source it  
20 was, that informed the police this witness was a  
21 crack dealer is not even the policeman who or  
22 whoever put the affidavit together.

23 MR. TAYBACK: I'm not saying that John  
24 Capers, who is the one who is saying this, these  
25 are individual observations by himself.

1           The Court, I think, is getting off the  
2 track of that which I'm trying to do. I'm trying  
3 to be responsive to the State's question. State  
4 asked after Oscar read this affidavit to him, did  
5 he then have an opinion about who had given this  
6 information to the police and did it have to come  
7 from Reuben Rainey and basically the answer in  
8 that regard was yes, and, therefore, in his mind  
9 he felt that he should then be cooperative with  
10 the police.

11           I am responding to it with respect to  
12 the specific information here to show that the  
13 reason that he became selfserving and self dealing  
14 could well have been otherwise and it responded  
15 directly to that point that the State attempted to  
16 elicit from him. In other words, I'm responding  
17 at this point, point, point right after points  
18 made by the State, and I certainly have a right to  
19 do so.

20           I'm not getting off -- my line of attack  
21 is directly generated by State's questions in the  
22 first place. If State hadn't asked them I  
23 wouldn't have proceeded in this regard.

24           MR. MURPHY: But you are getting off  
25 that line.



1 THE COURT: You see, the difficulty we  
2 have is that we are mixing apples and oranges in  
3 this whole thing.

4 Mr. Tayback, if what you are trying to  
5 do is to establish that he is a crack dealer  
6 because there is information in the affidavit that  
7 he is a crack dealer, that is not permissible.

8 MR. TAYBACK: I agree.

9 THE COURT: If you are trying to show a  
10 motive or bias on his part for cooperating, Mr.  
11 Brave, I don't know anyway I can preclude that.

12 MR. BRAVE: How does --

13 MR. MURPHY: He's got --

14 MR. BRAVE: Go ahead.

15 MR. MURPHY: He's got that into evidence  
16 two times already. Capers says he is as far as I  
17 know a crack dealer. He's got a conviction for  
18 crack. To further impeach by something that is  
19 not admissible in anybody's book -- isn't it true  
20 an anonymous informant we call informant number 3  
21 had information you were a crack dealer, that's  
22 what he is trying to do under the guise of Mr.  
23 Brave opened the door, which he didn't open the  
24 door as to all of, everything in there.

25 He opened the door as to isn't it true

1     that Rudy is the only one who knew about the gun  
2     part of this. I think he's trying to slip it in  
3     and in sort of a hybrid run it by and see if it  
4     works. I think that is what he is trying to do  
5     here.

6             MR. TAYBACK: Your Honor, I think the  
7     Court's prior statement to the State is the point  
8     that I made. In one form it is not allowed. I'm  
9     not asking it in that direction, and another form  
10    it is allowed because the State opened it up and I  
11    simply have a right to follow up.

12            MR. BRAVE: How is an informant the  
13    first informant mentioned on page 2, who informs  
14    the police that Jesus regularly sells a form of  
15    cocaine known as crack from his apartment on the  
16    first floor of 121st Street, how is that relevant  
17    to this witness' motivation when he's testifying?

18            MR. TAYBACK: Well, let's put it this  
19    way, the jury has to decide whether he is doing  
20    something because he feels it is either some sort  
21    of public service or whether he's doing it for a  
22    selfserving purpose. If he's doing it for a  
23    selfserving purpose, then the jury has to  
24    determine whether it is selfserving because of one  
25    issue which the State is attempting to indicate,

1 or because it is selfserving because of the other  
2 issue, which is the issue I'm attempting to  
3 indicate.

4 MR. BRAVE: What you are trying to  
5 indicate --

6 MR. TAYBACK: Exactly contrary to what  
7 you are indicating. You are indicating it's  
8 selfserving, in other words, not doing it as a  
9 public service. He's doing it because it helps  
10 him because he feels that he was burned by  
11 somebody who gave him the weapon and then  
12 cooperated with the police or gave the information  
13 that somehow got to the police.

14 I'm saying here is the other reason why  
15 he's going to do whatever he needs to do to help  
16 himself out and, that is, because he at that time  
17 looks or not looks, hears from Oscar, one of his  
18 cohorts, that the police are looking around his  
19 apartment. He hears about the crack, he hears  
20 about the twenty-five caliber automatic pistol,  
21 hears about two people supposedly have been in the  
22 apartment and he decides at that point he better  
23 do whatever he can to cover his own hide.

24 MR. BRAVE: Wouldn't the proper question  
25 be isn't it true you decided to cooperate to cover

1     your own hide? I don't think you can follow it up  
2     and isn't it true that some unnamed third person  
3     -- you knew that some unnamed third person  
4     informed the police that you are, in fact, a crack  
5     dealer.

6             MR. TAYBACK: Your question is fine the  
7     way it is and that is isn't it true that you were  
8     trying to protect your own hide, fine, but I don't  
9     -- you just can't expect somebody -- I don't  
10    expect it of the State, you can't expect it of the  
11    defense, to simply ask a question like that either  
12    without support or substantiation, to leave it out  
13    in mid air like that. I've got the support, I've  
14    got the support, I've got the substantiation. You  
15    raised it, you issued the challenge, so to speak,  
16    and I am responding to it.

17            MR. BRAVE: I didn't raise that. I  
18    raised what was on his mind when he read it.

19            MR. TAYBACK: This is what is on his  
20    mind because you said here heard it from Oscar and  
21    said he heard the whole thing. That's what was on  
22    his mind and you chose to pick one part of it and  
23    I am responding with the other part of it.

24            MR. MURPHY: I think the question is,  
25    without going into the nitty-gritty, lengthy

1 details for two and a half pages, isn't it true  
2 you are covering your own rear end because they  
3 suspected you to be a crack dealer.

4 MR. TAYBACK: Why do I have to phrase my  
5 questions, Your Honor, the way the State wants  
6 them phrased? I have the right to respond  
7 appropriately and the way I'm doing is  
8 appropriate. That's all.

9 MR. BRAVE: I don't think that is  
10 appropriate.

11 MR. TAYBACK: I chose to make it more  
12 specific and more detailed than State wants, so  
13 what?

14 THE COURT: Well, if the purpose is to  
15 establish that this witness is a crack dealer  
16 because of information contained in the affidavit,  
17 then it is not appropriate.

18 MR. TAYBACK: Again, I have never said  
19 that's the reason it is being done. I have made  
20 it clear, and I think the Court understands, that  
21 there are differences between the two because the  
22 Court a few minutes ago raised that same issue to  
23 the State, said one way it is not allowed, the  
24 other way what is wrong with it.

25 MR. BRAVE: I have a suggested

1      compromise which I think will satisfy you. Isn't  
2      it true, Mr. Jackson, that you learned from the  
3      reading of that affidavit that the police  
4      suspected you of being a crack dealer and you  
5      decided to cooperate to head off any future  
6      problems? Now, that seems to me to cover  
7      everything about it.

8                      MR. TAYBACK: Well, that covers almost  
9      everything and there's a matter of firearms,  
10     including the twenty-five caliber automatic pistol  
11     mentioned there. But the fact remains that if we  
12     go that far, if State will concede to that extent,  
13     what's the problem with me developing it the way I  
14     wanted to? How does State control the cross  
15     examination?

16                     MR. MURPHY: By the rules of evidence.  
17     I'm not simply --

18                     MR. TAYBACK: Fine. Exactly. We will  
19     do it by the rules of evidence and there is no  
20     rule of evidence that says I can't respond  
21     appropriately, not inappropriately but  
22     appropriately to that which is raised by, as an  
23     issue by State in the case.

24                     MR. BRAVE: The point is that he is  
25     afraid under your theory that the police had good

1 reason to suspect he was a crack dealer.

2 MR. TAYBACK: I'm not too concerned  
3 about --

4 MR. BRAVE: The source is immaterial.  
5 That was his concern.

6 MR. TAYBACK: I'm not too concerned  
7 whether you say the second informant or third  
8 informant or whatever it is but the point is that  
9 the information you clearly elicited was read to  
10 him over the telephone by Oscar and it is then  
11 after he heard this information, after he heard  
12 this information, after he heard this information  
13 is when he decided how to react or to act and I  
14 have a right to go into that information. It is  
15 clearly something generated by the State's case.

16 MR. BRAVE: I just feel that the point  
17 that you are trying to make should be made with  
18 the question and not include all this hearsay.  
19 Weren't you afraid after hearing that affidavit  
20 that the police suspected you and might give you  
21 some more trouble if you didn't cooperate and  
22 decided to cooperate.

23 THE COURT: Gentlemen, I'm going to  
24 direct that we go ahead with the questioning. Mr.  
25 Brave, if you want to make an objection, I'll

1       either sustain it or overrule it and, Mr. Tayback,  
2       if I sustain an objection you will just have to  
3       rephrase it.

4               MR. TAYBACK:   Fine.

5               (Whereupon, counsel returned to the  
6       trial table and proceedings resumed in open  
7       court.)

8       BY MR. TAYBACK:

9               Q       Now, Mr. Jackson, you indicated on your  
10      prior examination by the State's Attorney, Mr.  
11      Brave, here that Oscar had read this search  
12      warrant affidavit to you over the telephone on  
13      August 8th, 1986, is that correct?

14              A       Yes.

15              Q       And do you recall in that affidavit that  
16      the information was contained in there concerning  
17      the fact that within two weeks prior --

18              MR. BRAVE:   Objection to the fact.

19              MR. TAYBACK:  Strike the fact then.

20              Q       That within that affidavit, contained  
21      therein was information that indicated within two  
22      weeks prior to August 7th, 1986, that one or more  
23      individuals were inside your room, that's room  
24      number 2, at 356 West 121st Street, and that you  
25      had been observed there, a black male by name of



1 Charlie had been observed there, a quantity of a  
2 form of cocaine known as crack had been observed  
3 there, and firearms, including a twenty-five  
4 caliber automatic pistol had been observed there.

5 Do you recall hearing that from Oscar on  
6 that date, don't you? Don't you?

7 A No.

8 Q You don't recall that at all?

9 A No, not that.

10 Q That information just passed you by.

11 But it is your answer to the ladies and gentlemen  
12 of this jury that on that date, after Oscar read  
13 this to you, that's when you decided to react in  
14 your own interests, is that correct?

15 A Yes.

16 Q What you did was either go to Locust  
17 Valley, Long Island, New York or 21 or 28 Smith  
18 Street, Newark or somewhere around Newark, New  
19 Jersey and retrieve a pistol that you had in your  
20 possession, was that correct?

21 A Oscar called me at that address and  
22 everything was did was from that minute on. After  
23 he read the application, he called me at that  
24 Newark address, okay.

25 Q Are you saying you were at the Newark

1 address and Oscar knew where to catch up with you?

2 A Yes.

3 Q So Oscar caught up with you by telephone  
4 or beeper or something like that?

5 A By telephone.

6 Q And he read this to you and then you  
7 decided what to do, true or false?

8 A Yes.

9 Q So what you decided to do was to give  
10 the gun to the police, is that correct?

11 A Yes.

12 Q And you are the one who made  
13 arrangements for the gun to be found under a park  
14 bench at what, was that called Morningside Park?

15 A Morningside Avenue, yes.

16 Q Morningside Avenue?

17 A Yes.

18 Q The side of a park?

19 A It's Morningside Park on Morningside  
20 Avenue.

21 Q Morningside Park. As a matter of fact,  
22 you were speaking with the police officers at the  
23 time a young fellow by the name of Troy walked up  
24 and told them where the gun was, is that correct?

25 A That's not correct.

1           Q     That's not correct. Well, you tell me  
2 what is correct.

3           A     The information was that the gun was  
4 under the park bench and Troy was the one who  
5 directed them where the gun was at. It wasn't  
6 that I had a conversation with Troy.

7           Q     Well, somehow or the other you got the  
8 gun from New Jersey, is that correct?

9           A     Yes, I was instrumental in getting the  
10 gun from New Jersey, getting it under the park  
11 bench.

12          Q     When you say instrumental, does that  
13 mean you got it or somebody else got it?

14          A     That means somebody else brought it.

15          Q     Somebody else brought it?

16          A     Yes.

17          Q     Even though you were supposedly right  
18 there where the gun was located?

19          A     I was there, yes.

20          Q     Somebody else got the gun and you were  
21 instrumental in that and then somehow or the other  
22 the gun ends up under the park bench. You want to  
23 tell me how it got under the park bench then?

24          A     Yes, it was brought there by an  
25 individual.

1           Q     And this individual was neither Oscar  
2 nor Troy?

3           A     It was not, no.

4           Q     It was another person?

5           A     Yes.

6           Q     So this other person comes and puts the  
7 gun under the park bench and then this other  
8 person informs Troy?

9           A     No.

10          Q     Then how does Troy happen to know where  
11 the gun is located?

12          A     Because I give the nod so to speak when  
13 I walked on the steps of 356, I gave the nod that  
14 that is where the gun was at and that's where Troy  
15 told the police where the gun was at.

16          Q     Certainly a lot of kind of undercover  
17 sort of activity on your part to get a gun back  
18 into the hands of the police, is it not?

19          A     Yes.

20          Q     Was it illegal for you to have had a gun  
21 at that time?

22          A     Yes.

23          Q     Now, what's the reason, since it was  
24 illegal for you to have a gun one place or the  
25 other, that the gun didn't stay at 356 West 121st

1 Street since you say it was to be pawned within a  
2 week?

3 A Well, at -- I had heard about the  
4 misfortunes of Mr. Rainey's through the grapevine  
5 and --

6 Q The grapevine means what?

7 A Well, just like you hear talk in the  
8 street, and it is not a direct talk but it's just  
9 talk, you know, so you don't know if the talk is  
10 true or false.

11 Q So, let me see if I understand  
12 correctly. You are saying that you had the gun in  
13 your apartment at 356 West 121st Street but then  
14 grapevine talk on the street indicates that  
15 something is going on and, therefore, you decide  
16 it is beneficial for you to hide the gun in New  
17 Jersey?

18 A No, not so much that. I didn't have a  
19 use for the gun at 356. I didn't have no use for  
20 the gun.

21 Q You had no use for a gun?

22 A No.

23 Q Let me ask you a question then, why did  
24 you take it in the first place? You said that you  
25 took it in return for fifty dollars or so. You

1       said that Mr. Rainey was already in to you for  
2       fifty dollars, no other guns were pledged or  
3       pawned, were they?

4           A       Well, that just happened twenty dollars,  
5       ten dollars at a time. Now we are talking about a  
6       hundred dollars and a hundred dollars that would  
7       leave something to come back and get it. It is a  
8       very good chance that he will come back and get  
9       it.

10          Q       But a hundred dollars you are talking  
11       about, you said that you only loaned him fifty  
12       dollars. Are you talking about the prior fifty?

13          A       But he's already into me for fifty.

14          Q       So you had no collateral for that but  
15       then you decided to collateralize that as well by  
16       accepting the gun for a hundred dollars, is that  
17       right?

18          A       Because he hadn't paid the fifty that he  
19       owed me, yes.

20          Q       Let me go back to where the gun  
21       supposedly comes into your possession. You say  
22       you are on the third floor talking with Charlie,  
23       is that correct, or about to talk to Charlie or to  
24       go visit Charlie?

25          A       I was looking for Charlie to do some

1 work in Charlie's room to be precise.

2 Q This is the same Charlie who was  
3 mentioned as the second black male who was in your  
4 apartment when some sort of drug deal was going  
5 on?

6 A I don't know anything about a drug deal  
7 going on in my apartment.

8 Q Nothing about that. Is there any other  
9 Charlie in that building?

10 A No. No, not that lives there.

11 Q So, you are upstairs supposedly visiting  
12 Charlie. Where is Charlie's apartment in relation  
13 to Reubin Rainey's apartment?

14 A It is in the middle.

15 Q Where is Reubin Rainey's apartment?

16 A In the front.

17 Q In the front?

18 A Yes.

19 Q When you come up the stairs -- your  
20 apartment is in the back, isn't that true?

21 A No, I come up the stairs. My apartment  
22 is downstairs.

23 Q Your apartment is downstairs?

24 A Yes.

25 Q In the front or --

1           A     Yes.

2           Q     -- or downstairs in the rear?

3           A     Downstairs in the rear.

4           Q     You have a rear kitchenette, isn't that

5 true?

6           A     Yes.

7           Q     When you come upstairs, do you have to

8 pass by the first apartment to get to the middle

9 apartment? Where are the steps in this building?

10          A     The steps goes up the building, goes up

11 one side of the building so when you reach the top

12 floor you are facing the front of the building,

13 you are facing the front apartment.

14          Q     You are facing, isn't that right, when

15 you come up the steps you are facing toward the

16 front because you have just come up the steps,

17 isn't that true?

18          A     Yes.

19          Q     Then you turn to go to the middle or you

20 turn to go to the rear, isn't that true?

21          A     Yes.

22          Q     You would have to make some sort of

23 effort to go over to the first floor apartment?

24          A     No.

25          Q     Excuse me, third floor apartment front,



1       isn't that correct?

2           A       No, the apartment is, the apartment is  
3       there and the steps is here. If you kept going  
4       you walk right into the front apartment.

5           Q       If you kept going, exactly.

6           A       Yes.

7           Q       But you weren't there to keep on going.  
8       You were there to turn to go to the middle  
9       apartment, true or false? Is that true?

10          A       I was there to go to the second, to the  
11       middle apartment, yes.

12          Q       So you are heading to the middle  
13       apartment but somehow or the other you end up in  
14       the front apartment on the third floor, true?

15          A       Well, the way the building is arranged,  
16       is, is that when you are coming up the steps, you  
17       are almost at the middle apartment, you actually  
18       go past the middle apartment before the steps end  
19       but you have to come back the breezeway to get to  
20       the apartment.

21          Q       You have to make a little turn, don't  
22       you?

23          A       Yes.

24          Q       Because the steps are very close to the  
25       middle apartment but they're not quite right at

1 the middle apartment, you have make a little turn  
2 to go into the middle apartment, isn't that  
3 correct?

4 A Yes.

5 Q Instead of making that little turn  
6 somehow, according to your story, you end up in  
7 the front apartment?

8 A Because I was called into apartment  
9 front.

10 Q You were beckoned into that and Mr.  
11 Rainey is the person at that time beckoning you  
12 into that apartment?

13 A Yes, the door was open.

14 Q He at that time has a gun stuck into the  
15 front of his trousers and he wants to pawn it to  
16 you because he needs money?

17 A Yes.

18 Q You are, of course, the person who in  
19 1986 had no income tax filed either with the State  
20 of New York or with the federal government but  
21 somehow or the other you are able to loan money at  
22 will, is that correct?

23 A Not quite, no. Not just at will, no.

24 Q In any case, you somehow come up with  
25 money to loan. You, I guess, had it right in your

1 pocket, is that true?

2 A Fifty dollars, yes.

3 Q So, you pull out the fifty dollars, you  
4 give it to him, you take the gun. Was the gun  
5 loaded or unloaded?

6 A It was unloaded.

7 Q Unloaded. So there is no bullets in  
8 this gun, is that right?

9 A Yes.

10 Q You then take this unloaded gun back  
11 down to your apartment?

12 A Yes.

13 Q You hide it there for how long a period  
14 of time before you decide to move it?

15 A I'm not sure.

16 Q Well, how long approximately?

17 A Could have been a day or couple of days.

18 Q Then somehow or other between that time,  
19 which is a day or couple of days, something  
20 happens that you hear on the grapevine up in New  
21 York that you better hide the gun, is that right?

22 A No. That's not right.

23 Q That's not right. Why did you move it?

24 A I moved it because of that but also  
25 couple of days -- I didn't hear that in a couple

1 of days.

2 Q Mr. Jackson, you're aware of other  
3 people in this building, aren't you? You know  
4 every single person in this building, don't you?

5 A Yes.

6 Q Or you did as of June 1986?

7 A Yes.

8 Q Every single person there you knew  
9 either as a friend or as an enemy or somehow or  
10 the other as an acquaintance? You knew everybody  
11 there, true or false?

12 A False.

13 Q False. You didn't know everybody?

14 A I know everybody there but it is through  
15 my maintenance of the building. That's the reason  
16 I know everybody there. That's my business, to  
17 know them.

18 Q It is your business to work for Oscar  
19 whose business it is to own this house which is  
20 his drug operation and you are his lieutenant,  
21 isn't that true?

22 A False.

23 Q That you can say definitely is a false?

24 A That's right.

25 Q Can you give me any specific date as to

1       when this occurred, that you received this gun  
2       from Mr. Rainey?

3           A       I could not give you a specific date,  
4       no.

5           Q       Can you give me a day of the week?

6           A       No.

7           Q       At this point you obviously must have  
8       been somewhat concerned about your fifty dollars  
9       that you had already loaned and not been paid back  
10      and additional fifty dollars that you were loaning  
11      out because you were getting collateral. Did you  
12      write it down?

13          A       No.

14          Q       Basically comes down to this then,  
15      doesn't it, Mr. Jackson, that it is your word as  
16      to where you got that gun, isn't that true?

17          A       I don't know if that's, you know -- I  
18      don't know the legalities of what you are saying.

19          Q       You are saying nobody else saw it,  
20      right, is that right?

21          A       That's right.

22          Q       Are you saying that you never mentioned  
23      it to anybody whatsoever, not Oscar, not Troy  
24      not anybody else in the building, you never  
25      mentioned it yourself?

1           A     Yes.

2           Q     Never mentioned it to your family,  
3     Locust family, if that's where the gun went or you  
4     never mention it to whomever in New Jersey if  
5     that's where the gun went? You just never even  
6     mentioned it, is that right?

7           A     That's correct.

8           Q     You are the person who has to be  
9     believed, isn't that correct?

10           MR. BRAVE:  Objection.

11           THE COURT:  I sustain the objection.

12           Q     I withdraw the question.

13           MR. TAYBACK:  I have no further  
14     questions.

15                         REDIRECT EXAMINATION

16     BY MR. BRAVE:

17           Q     Mr. Jackson, Mr. Tayback showed you part  
18     of your testimony in a prior proceeding where you  
19     mentioned that you took the gun to Locust Valley?

20           A     Yes.

21           Q     He showed you where at first you  
22     answered I'd rather not say?

23           A     Yes.

24           Q     When is the first time you told either  
25     Mr. Murphy or I about this New Jersey location?

1           A     This morning.

2           Q     Okay.

3                   MR. TAYBACK:   When was that?

4           A     This morning.

5           Q     This morning.   And what did you tell us  
6 as to why you had left out any mention of the New  
7 Jersey address?

8           A     Yes.

9           Q     Well, tell the ladies and gentlemen of  
10 the jury why, when you were under oath the last  
11 time, you decided not to mention New Jersey as to  
12 where this gun went after you got it?

13          A     Yes, because I didn't want to involve  
14 the person that was, was at that address into that  
15 particular --

16          Q     What was your relationship with that  
17 particular person at that time?

18          A     Well, we had an -- I was going with this  
19 lady at this particular time.

20          Q     And this morning is the first time you  
21 informed us about New Jersey versus Locust Valley?

22          A     Yes.

23          Q     So would it be fair to say you lied, I  
24 don't know how else to put it, to protect or keep  
25 this woman not involved, this woman in New Jersey?

1           A       Yes, after I stated that I would rather  
2       not say -- I stated that a couple of times, that I  
3       would rather not say where the gun was at I had,  
4       and at that point, yes, I did lie.

5           Q       Mr. Tayback brought up the fact that  
6       you're awaiting sentence on a case?

7           A       Yes.

8           Q       Tell us about that.

9           A       Well, I have a case that I have to do  
10      sixty days for.

11          Q       Is that your -- what we call your  
12      maximum exposure?

13          A       That's the maximum exposure that I can  
14      get, is sixty days.

15          Q       And the conviction does flow out of the  
16      drug scene, does it not?

17          A       Yes.

18          Q       Other than that case that you are  
19      awaiting sentence for, you have been convicted in  
20      the past of crimes?

21          A       Yes.

22          Q       Tell us what crimes they are.

23          A       When I was young I was convicted of  
24      burglary and I was convicted of armed robbery  
25      charge.



1 Q That's how many years back?

2 A Fifteen, sixteen, seventeen years.

3 Q So you are no stranger to the criminal  
4 justice system, would that be fair to say?

5 A Yes.

6 Q Being no stranger to the criminal  
7 justice system, were you on parole or probation  
8 for any of those prior convictions?

9 A Presently, during --

10 Q Back in June of '86?

11 A Oh, no.

12 Q So whatever parole or probation you had  
13 was overwith?

14 A That was ten, fifteen years ago.

15 Q Mr. Tayback wants to know why you went  
16 through this elaborate procedure so that the  
17 police would never see you actually in possession  
18 wherever the gun went of the gun. Why was that?

19 A Why it is is because it is against the  
20 law to have a gun in the State of New York and if  
21 you are seen with a gun in your possession, then  
22 you could be charged with the possession of that  
23 gun. So that is why I went through those  
24 procedures to get that particular gun and so that  
25 no one could say that they seen me because I had

1       done that and then it was just like any found gun  
2       or amnesty, so to speak. Is a question you would  
3       use amnesty, you cannot be charged with the  
4       possession of the gun; and to possess a gun with  
5       cartridges is one thing and to possess it without  
6       cartridges is another thing.

7           Q       Let me ask you this, sir. Mr. Tayback  
8       asked you whether or not you are Oscar's  
9       lieutenant and you denied that?

10          A       I really don't know what a lieutenant  
11       means. That's an odd terms to me or something.

12          Q       Chief assistant? You know what a chief  
13       assistant is?

14          A       I would say, yes, I am an assistant,  
15       yes.

16          Q       If you were chief assistant in a drug  
17       enterprise, organization, would you admit that  
18       under oath in open Court?

19          A       Would I admit that if I was chief  
20       assistant to -- in a drug --

21          Q       Yeah.

22          A       -- operation? No, I don't think so. In  
23       open Court, really don't know about.

24          Q       It was your testimony that the Defendant  
25       Reuben Rainey sold you this gun. You decided to

1 move it to New Jersey after you began to hear some  
2 rumors?

3 A Yes.

4 Q Whether the rumors were true or not is  
5 up to the jury and I am not asking you to -- but  
6 in your mind was one of the reasons you decided to  
7 move that gun to a different location is that you  
8 realized you might have bought that -- that that  
9 gun that you bought might be a murder weapon and  
10 you might have bought that gun from the murderer?

11 A I would say that I, at one time, I would  
12 have thought that it were involved in a murder. I  
13 did not think that he was a murderer of -- I  
14 didn't hear it that way. I couldn't arrive to  
15 that conclusion to say that he did or he did not.

16 Q Let me ask you this, whether you have  
17 illegal income on the side from drugs or not --  
18 where is the gun, Ma'am Clerk? May I have that?

19 Mr. Jackson, whether you have illegal  
20 income from drugs or not, whether you report this  
21 illegal income to the internal revenue service or  
22 not, who sold you, who sold you this gun?

23 A Mr. Rainey.

24 Q Regardless of anything that you have  
25 testified, who sold you this gun in June of 1986?

1           A     Mr. Rainey.

2                   MR. BRAVE: I have nothing further, Your  
3 Honor.

4                               RECROSS EXAMINATION

5 BY MR. TAYBACK:

6           Q     Mr. Jackson, when you were sworn in this  
7 morning you took an oath that you were going to  
8 tell the truth, the whole truth and nothing but  
9 the truth, is that correct?

10          A     Yes.

11          Q     Now, if I understand correctly Mr.  
12 Brave's questions of you this most recent time and  
13 your answers to those, essentially what you are  
14 telling us, that is the ladies and gentlemen of  
15 the jury, forget about what you are telling me,  
16 you are telling them that you decide when you are  
17 going to tell what you consider the truth and you  
18 decide when you are going to tell a lie, true or  
19 not?

20          A     That's untrue.

21          Q     Let me just give you two examples. In  
22 response to Mr. Brave's questions you said that  
23 you decided on the stand not to tell the truth  
24 about where the gun went when you testified  
25 previously under oath. Isn't that what you just

1       said?

2               A       I said that I did not want to involve  
3       the person that -- about this particular gun. I  
4       said I answered two or three times that I would  
5       rather not say.

6               Q       You said once, as a matter of fact,<sup>o</sup>  
7       well, I'd rather not say, then I insisted and I  
8       said I'm asking you, that's when you said I took  
9       it to my house where I lived on Locust Valley.

10              A       Yes.

11              Q       Now, in response to Mr. Brave's question  
12       of you this second time, your answer even for that  
13       matter was different than when it was when I cross  
14       examined you a few minutes ago. You, at that  
15       point you said you weren't sure but you seemed to  
16       think that you took it to New Jersey. Now, you  
17       are saying definitely the gun went to New Jersey  
18       and on April 17th, excuse me, April 13th, 1987,  
19       you made the conscious decision to protect  
20       somebody and to lie under oath, not to tell the  
21       whole truth but to, in that case, to tell the  
22       whole lie, isn't that true?

23                      Isn't exactly what I'm saying to you  
24       right now what you did on April 13th, 1987, under  
25       oath, you decided what you felt was appropriate

1       for that jury to hear and you consciously,  
2       intentionally lied?

3           A       Well, at that particular time that is  
4       the only way, at that particular time that is the  
5       way I remembered what I said but after that I went  
6       over into my mind about the particular things and  
7       that is the way it was. That's the bottom line.

8           Q       That is certainly something that would  
9       slip somebody's mind when the police are asking  
10      that person to return a gun and in return you get,  
11      as you say amnesty with respect to the possession  
12      of that gun, that is certainly something that  
13      would slip your mind when you are a witness under  
14      oath, that you took it to New Jersey instead of  
15      Long Island, New York?

16           MR. BRAVE:   Objection, Your Honor, to  
17      the non question.

18           THE COURT:   Well, sustain the objection  
19      as to the form.

20           Q       You also mentioned, Mr. Jackson, that  
21      you wouldn't tell this jury the truth if you were  
22      involved in a drug operation. Isn't that what you  
23      just said in response to Mr. Brave's questions?

24           A       Said I didn't know if I would or not. I  
25      mean, I don't know. I'm not involved in a drug

1 operation and I cannot say what I would do if I  
2 was involved in it.

3 Q As a matter of fact, the charge to which  
4 you were able to plead in New York involved the  
5 possession of a drug which is called cocaine,  
6 isn't that true?

7 A Yes.

8 Q I have no further questions.

9 REDIRECT EXAMINATION

10 BY MR. BRAVE:

11 Q Just one question. Whether you lied  
12 about Locust Valley or New Jersey, who sold you  
13 the gun?

14 A Mr. Rainey.

15 Q Whether you are a drug dealer or aren't  
16 a drug dealer, who sold you the gun?

17 A Mr. Rainey.

18 Q That's all.

19 RECROSS EXAMINATION

20 BY MR. TAYBACK:

21 Q We can do this indefinitely, Mr.  
22 Jackson, but, honestly, you are going to sit up  
23 there and you are going to say whatever you want  
24 to say to protect your own hide and to get your  
25 own benefit and that is what your life comes down

1 to, doesn't it?

2 A No, sir.

3 Q Fine.

4 MR. TAYBACK: No further questions.

5 MR. BRAVE: I don't want to play got you  
6 last. I have no further questions.

7 THE COURT: Well, let me just follow up  
8 on one question.

9 What do you -- do you perceive any  
10 consequences or benefits flowing from your  
11 testimony?

12 A No.

13 THE COURT: Any questions in light of  
14 the Court's question?

15 MR. TAYBACK: No. Not going to bother,  
16 Your Honor.

17 THE COURT: You may step down.

18 MR. BRAVE: Thank you, Mr. Jackson.

19 Your Honor, I think we are going to need  
20 a short recess.

21 THE COURT: Approach the bench please.

22 (Whereupon, counsel and the Defendant  
23 approached the bench and the following conference  
24 ensued:)

25 MR. BRAVE: Your Honor, our next witness



1 missed the flight we put her on at 7 o'clock this  
2 morning. She should be out in the hall but even  
3 if she is out in the hall, I want an opportunity  
4 to talk to her for a minute.

5 THE COURT: Who is she?

6 MR. BRAVE: Linda Godbolt. She's in  
7 from New York. I don't --

8 THE COURT: What time do you expect the  
9 medical examiner?

10 MR. BRAVE: Brian had told him this  
11 afternoon.

12 THE COURT: What time?

13 MR. BRAVE: I told him I'd let him know  
14 over the lunch hour. He was going to wait in his  
15 office.

16 THE COURT: It's almost 11:25 now.

17 What I'm inclined to do is to take the  
18 luncheon break until one o'clock. In the meantime  
19 there is one other matter I have to deal with. If  
20 you will just remain right here.

21 Miss Burford, approach the bench.

22 Miss Burford, you had indicated your  
23 daughter has pink eye?

24 THE JUROR: Yeah, it's in both her eyes  
25 and she's got ear infections and got bronchitis

1 cough.

2 THE COURT: So where is she now?

3 THE JUROR: She's with my mother who has  
4 to go to work today.

5 THE COURT: What time?

6 THE JUROR: She has to be there at  
7 twelve.

8 THE COURT: At work at twelve?

9 THE JUROR: Yes.

10 THE COURT: How old is your daughter?

11 THE JUROR: She will be a year old  
12 Monday.

13 THE COURT: Who is going to take care of  
14 her when your mother went to work?

15 THE JUROR: My mother was going to take  
16 off today if I didn't make it back.

17 THE COURT: If you didn't make it back?

18 THE JUROR: Because I told her --

19 THE COURT: My understanding was that  
20 all you needed to do was take her to the doctor?

21 THE JUROR: Yeah. But my mother has got  
22 her right now because see my sister is at the  
23 clinic with her little daughter who has a blood --  
24 she's got a blood -- something wrong with her  
25 blood.

1           THE COURT: I thought it was just a  
2 matter of you being able to, as I understood it,  
3 get her to the doctor by four o'clock this  
4 afternoon?

5           THE JUROR: As long as I'm there at four  
6 o'clock my mother can take off today. As long as  
7 I'm there at four o'clock.

8           THE COURT: Where?

9           THE JUROR: At my mother's to take her  
10 to the clinic.

11          THE COURT: Where is she?

12          THE JUROR: On Gilmore and Wilkins  
13 Avenue.

14          THE COURT: That's only --

15          THE JUROR: Matter of half an hour.

16          THE COURT: -- half an hour from here?

17          THE JUROR: Yes.

18          THE COURT: All right. What time --  
19 that's by four o'clock?

20          THE JUROR: I have to get her to the  
21 clinic.

22          MR. TAYBACK: You have to get her into  
23 the clinic at 4 o'clock, so you have to be home by  
24 3:30?

25          THE JUROR: It's half an hour to get

1       there. The clinic is at the University so, on  
2       Penn Street.

3               MR. TAYBACK: So you would have to leave  
4       --

5               THE COURT: You don't have anyone to  
6       bring her to meet you there? What time does the  
7       clinic close?

8               THE JUROR: Four.

9               MR. TAYBACK: If you are there by four  
10      o'clock they will treat you?

11              THE JUROR: As long as I'm there quarter  
12      of four they will still take me.

13              THE COURT: Do you have transportation?

14              THE JUROR: No, feet.

15              THE COURT: I mean, you were going --  
16      were you going to get a cab to bring her down here  
17      or bus?

18              THE JUROR: Bus. Once I leave here, get  
19      a bus to get up there and a bus to take her back  
20      to the clinic.

21              THE COURT: Okay. You want to go back  
22      to your seat.

23              Is is often the case the story comes out  
24      totally differently from the way it was related to  
25      me in the beginning.

1                   MR. TAYBACK: I have no objection to  
2                   stopping today at three o'clock. I think we are  
3                   on line basically for the scheduling we had  
4                   anticipated which was Wednesday for Poppy, isn't  
5                   that right?

6                   MR. BRAVE: Yes.

7                   THE COURT: All right. Then I'm willing  
8                   to take the luncheon break now and then --

9                   MR. TAYBACK: Dr. Zane is going to be  
10                  very short this time after what happened the last  
11                  time.

12                  THE COURT: How many more witnesses do  
13                  you have?

14                  MR. BRAVE: We have Linda Godbolt,  
15                  Joseph Kopera, and the medical examiner.

16                  THE COURT: That's it.

17                  MR. BRAVE: That's it. We have two  
18                  rebuttal witnesses.

19                  THE COURT: You don't know whether you  
20                  have rebuttal witnesses or not?

21                  MR. BRAVE: I think I do. Be real  
22                  surprised if I don't. I'm not, you know -- I  
23                  don't want to go through my whole theory now but  
24                  I'd be real surprised --

25                  THE COURT: I'm not asking you to do

1       that but if Mr. Tayback rests his case you  
2       obviously don't have any rebuttal witnesses.

3               MR. TAYBACK:  No, he knows enough of  
4       what I'm going to do that I can understand he  
5       would anticipate that.

6               THE COURT:  All right.  I guess the --  
7       how many witnesses do you have today?

8               MR. BRAVE:  We have two of the remaining  
9       three.  We could try to get Kopera in but it  
10       wouldn't work against this three o'clock quitting  
11       time.

12              THE COURT:  I'm going to say quarter of  
13       one then.  We quit now and come back quarter of  
14       one and, Mr. Hargrove, would you tell Miss Burford  
15       that we will be stopping in time for her to --  
16       number 11 -- that we will be stopping in time for  
17       her to get her daughter.  So quarter of one then,  
18       gentlemen.

19              MR. TAYBACK:  Quarter of one?

20              THE COURT:  Right.

21              (Whereupon, counsel returned to the  
22       trial table and proceedings resumed in open  
23       court.)

24              THE COURT:  Ladies and gentlemen, the  
25       scheduling necessitates that we break at this

1 time. I'm going to ask that you be indulgent and  
2 take your lunch break from now until a quarter of  
3 one. I'd ask you to please report back here at  
4 quarter of one.

5 Again, let me admonish you. I know that  
6 it is not necessary any longer but please do not  
7 allow anyone to approach you and attempt to talk  
8 to you about this case. Actually, you are not  
9 even supposed to begin discussions among  
10 yourselves until all the evidence is in; and,  
11 lastly, for the umpteenth time, please don't read  
12 any newspaper articles or follow any news media  
13 coverage of this trial.

14 Court will stand recessed until a  
15 quarter of one.

16 (Whereupon the Court recessed, following  
17 which the proceedings in this matter resumed:)

18 AFTERNOON SESSION

19 June 6th, 1987

20 THE COURT: Mr. Tayback.

21 MR. TAYBACK: Your Honor, may it please  
22 the Court, to preserve a matter, this was an  
23 argument that was made previously at another  
24 time. In that same matter, Your Honor, the State  
25 intends to introduce photographs.

1 THE COURT: Excuse me. Ma'am Clerk,  
2 would you answer my phone?

3 THE CLERK: Sure.

4 MR. TAYBACK: The State, I believe,  
5 intends to introduce photographs in this matter  
6 attached to the autopsy report and would I think  
7 more likely than not adopt any comments that are  
8 on the photographs as part of his testimony. Your  
9 Honor, again the same issue is the inflammatory  
10 aspect of the photographs as opposed to their  
11 probative value.

12 With respect to Dr. Zane, I have no  
13 problem whatsoever stipulating to the manner of  
14 homicide being death, which I believe would  
15 preclude the State from having to ask further  
16 questions of Dr. Zane.

17 I would further not object to the  
18 introduction of the autopsy protocol absent the  
19 photographs. Your Honor, I think that there is no  
20 reason, therefore, and there is, as to both of the  
21 individuals, there are two distinct autopsy  
22 protocols, one as to Ms. Johnson, one as to Miss  
23 or Mrs. Veney.

24 Your Honor, under those circumstances  
25 where I'm willing to stipulate to the autopsy



1 protocol as to each and where I'm further willing  
2 to stipulate that the manner of homicide as to  
3 each is, excuse me, the manner of death as to each  
4 is homicide, I believe that should preclude the  
5 State from having the right to introduce these  
6 additional photographs as evidence in the case.

7 THE COURT: All right. Of course the  
8 question of whether or not photographs are  
9 inflammatory and whether or not they should be  
10 admitted rests solely within the discretion of the  
11 trial Judge and absent any abuse of discretion the  
12 trial Judge's decision will stand.

13 The test obviously is the probative  
14 value of the photographs against the possible  
15 inflammatory nature of the photographs. The Court  
16 conceded before and concedes again that the  
17 photographs are horrendous photographs. However,  
18 it has been testified to that the gun used was a  
19 357 Magnum.

20 There was extensive testimony about the  
21 manner in which the homicide was carried out and,  
22 in the Court's view, these photographs are  
23 corroborative of all of that testimony and the  
24 other details regarding how these deaths  
25 occurred.

1 I will, therefore, deny the request on  
2 the part of the defense to exclude the  
3 photographs.

4 Anything else, gentlemen?

5 MR. BRAVE: We have had a slight change  
6 of scheduling, Your Honor. It shouldn't have  
7 anything to do with what is going on here today  
8 but I just want to inform you that Linda Godbolt  
9 is still amongst the missing and we are hoping to  
10 have her here tomorrow.

11 THE COURT: Who do you have today?

12 MR. BRAVE: We have Dr. Zane and Joe  
13 Kopera, the ballistics expert.

14 THE COURT: Those are the only two  
15 witnesses you will have?

16 MR. BRAVE: That's correct, Your Honor.

17 THE COURT: All right. Let's bring the  
18 jury down.

19 (Whereupon, the jury entered the  
20 courtroom, after which the following proceedings  
21 ensued:)

22 THE CLERK: State satisfied its  
23 witnesses have been sequestered?

24 MR. BRAVE: State is satisfied, Your  
25 Honor.

1 THE CLERK: Defense satisfied?

2 MR. TAYBACK: Yes, I am.

3 MR. MURPHY: State would call Doctor  
4 William Zane.

5 WILLIAM ZANE, MD,

6 a witness produced on call of the State, having  
7 first been duly sworn, according to law, was  
8 examined and testified as follows:

9 THE CLERK: Have a seat. State your  
10 name and currently who you are employed by.

11 THE WITNESS: William Zane, Z-a-n-e,  
12 Office of the Chief Medical Examiner, 111 Penn  
13 Street, Baltimore, Maryland.

14 DIRECT EXAMINATION

15 BY MR. MURPHY:

16 Q Dr. Zane, you are a medical doctor, I  
17 take it, from your affiliation?

18 A Yes, I am.

19 Q What is your background, what is your  
20 education?

21 A Medical school, one year of internship  
22 in internal medicine, three years of hospital  
23 pathology, and one year of a residency in forensic  
24 pathology.

25 Q Your specialty now is forensic

1 pathology?

2 A Yes, sir.

3 Q What exactly is forensic pathology?

4 A Forensic pathology is the specialty of  
5 pathology in which we attempt to find the cause of  
6 death in people who have died unexpectedly or  
7 suddenly, i.e., traffic accidents, plane crashes,  
8 drug overdoses, homicides.

9 Q You have had then a general medical  
10 school education as well as some internships,  
11 residency?

12 A Yes.

13 Q And what specialized training have you  
14 had, however, in forensic pathology?

15 A The one year training in forensic  
16 pathology in Baltimore.

17 Q You now work for the State Medical  
18 Examiner's Office?

19 A Yes, I do.

20 Q What is the mission or duty of the State  
21 Medical Examiner's Office?

22 A Medical Examiner's Office or my duties?

23 Q Well, the office first, then what do you  
24 do for that office?

25 A Well, essentially the office attempts to

1 make sure that unexplained deaths become  
2 explained, you know, throughout the State. Our  
3 office performs preliminary examinations, works  
4 with various police agencies and through that we  
5 determine whether an examination needs to be  
6 performed at our office or whether the doctors in  
7 the community can sign the death certificate  
8 appropriately.

9 As an example, if an elderly gentleman  
10 collapses at his home and he has has never seen a  
11 physician, he might not come to our office. One  
12 of our deputies might view him at the scene and  
13 just make sure that there is no evidence of trauma  
14 and come to the assumption and -- well, actually,  
15 not assumption but make a determination that  
16 person has died of a heart attack.

17 Q Your office then doesn't get involved in  
18 every death of every person however that person  
19 died but rather in unexplained deaths?

20 A Right.

21 Q Or potential homicides, things of that  
22 nature?

23 A Right. Someone who dies of cancer at a  
24 local hospital does not die of an unexpected  
25 disease or whatever or unexplained.

1           Q     Is it also one of the functions of your  
2 office, as well as you in particular, to testify  
3 in Court?

4           A     That's correct.

5           Q     Like you are doing today?

6           A     Right.

7           Q     And to give expert opinion, an expert  
8 opinion as to your conclusions as to the manner  
9 and method of death of a particular person?

10          A     That's correct.

11          Q     What exactly do you do yourself as an  
12 Assistant State Medical Examiner?

13          A     Occasionally I will go to a scene. On  
14 the day that I perform autopsies I check over the  
15 investigative information that is supplied on each  
16 person coming in and I determine who comes into  
17 our office and who doesn't. I then help with the  
18 photography of that individual and then I go about  
19 performing an autopsy.

20          Q     The autopsy is done at 111 Penn Street?

21          A     That's correct.

22          Q     Is that adjacent to the University of  
23 Maryland Hospital?

24          A     Yes, it is. Anyway, after I have made  
25 sure the injuries are photographed appropriately,

1 we begin our external examination and we make  
2 notations as to any injuries that are seen  
3 externally. Then we go about making internal  
4 examination which entails making incisions in the  
5 front of the body and in the back of the head.  
6 Examining the internal organs to see which  
7 injuries are there. We retrieve any foreign  
8 objects. We also take specimens of body fluids  
9 for toxicological examination. At that point we  
10 sign a death certificate as to cause or manner of  
11 death. We prepare a report and pool all the  
12 information together and testify in Court if need  
13 be or send the autopsy report to the appropriate  
14 agency that needs information about how the person  
15 died.

16 Q You have testified in Court before, Dr.  
17 Zane?

18 A Yes, I have.

19 Q During your year or years as Assistant  
20 State Medical Examiner as well as when you were in  
21 training to be such, do you have any idea how many  
22 autopsies you either performed or participated in?

23 A I would say at least eight hundred. At  
24 least.

25 Q Dr. Zane, directing your attention to

1 the specific autopsies that you were involved in  
2 in this case here today, let me show you first  
3 what has been marked as State's Exhibit Number 43,  
4 ask you do you recognize that document and its  
5 accompanying photo?

6 A Yes, I do.

7 Q What is that item and what is the photo  
8 of?

9 A It's our autopsy report of Deborah Veney  
10 and it's basically the autopsy report.

11 Q Is the photo a part of that autopsy  
12 report?

13 A Yes, it is.

14 Q Let me show you State's Exhibit 44 which  
15 is again some papers with some accompanying  
16 photographs, what are they?

17 A This is the autopsy report on Glenita  
18 Johnson.

19 Q Are the photographs a part of that  
20 autopsy report?

21 A Yes, they are.

22 Q Do you have copies of these two that I  
23 have just shown you in your file in front of you?

24 A Yes.

25 MR. MURPHY: Your Honor, I would offer



1 State's Exhibit 43 and 44 into evidence and then I  
2 wish to ask him some questions about them.

3 MR. TAYBACK: Objection, Your Honor, on  
4 the grounds previously stated.

5 THE COURT: Very well. Objection  
6 noted. The exhibits will be received.

7 (Whereupon, so marked in evidence).

8 Q Dr. Zane, did you then perform an  
9 autopsy on the body of Deborah Veney and Glenita  
10 Johnson?

11 A Yes, I did.

12 Q When did you perform these autopsies and  
13 where?

14 A They were performed on June 2nd, 1986,  
15 at the office of the Chief Medical Examiner.

16 Q And do you have noted what time of day  
17 you performed the autopsies?

18 A Yes, both examinations were begun at  
19 approximately 12:50 p.m. in the afternoon.

20 Q 12:50 in the afternoon. When did you  
21 receive the bodies at the morgue?

22 A According to my records 10:52 in the  
23 morning.

24 Q Directing your attention first to the  
25 body of Deborah Veney, did you perform the

1 standard examination, both external and internal,  
2 of her body?

3 A Yes, we -- yes, I did.

4 Q Was this for the purpose of determining  
5 the cause of death of Deborah Veney?

6 A Yes.

7 Q What injuries, if any, did you notice on  
8 the body of Deborah Veney?

9 A Well, she had a gunshot wound of the  
10 head, forehead, a little bit on the right side of  
11 the forehead. She had injury to the skin, the  
12 skin of the face, the injury to the bone  
13 underlying and to the brain.

14 Let's see, she had some scrapes on her  
15 knuckles but that was it. She had, she had a  
16 gunshot wound to the head. That's what the  
17 autopsy showed.

18 Q Can you describe in a little more detail  
19 this gunshot wound to her head?

20 A Okay. The entrance wound was rather  
21 large, measuring six inches by six inches. I  
22 described it as stellate. The skin just split from  
23 the forehead and the bone shattered underneath.  
24 The brain did not stay within her skull. There  
25 was -- it fell out because the hole was big enough

1 for it to fall out. It was a shattering gunshot  
2 wound. Inside there were two small fragments of  
3 bullet measuring maybe an eighth of an inch. It  
4 was also a contact, I called it contact gunshot  
5 wound, contact range because there was certain  
6 powder on the inside of the bone.

7 Q Does contact mean the gun is actually  
8 touching or -- does it mean it was touching or up  
9 to a certain distance away?

10 A It was touching, whether loosely or  
11 whether, whether hard I can't say. All I can say  
12 is that it was, it was on the skin at the time.

13 Q Were you able to determine from your  
14 examination of the gunshot wound in Miss Veney's  
15 head the trajectory of the bullet that caused this  
16 wound?

17 A Yes. I was. The wound travelled  
18 backwards and slightly upwards or the bullet  
19 travelled backwards and slightly upwards.

20 Q Which would be something like, so the  
21 jury can understand this, something like this?  
22 Can you see that?

23 A Yes. That, that would be it.

24 Q You don't know where the gunman was  
25 standing, in other words, you don't know whether

1 the head was --

2 A I can't, can't --

3 Q -- leaning over or the gunman was, for  
4 example, below a set of steps where the victim was  
5 standing on? You don't know which of those two it  
6 was?

7 A No, I can't say just from the autopsy  
8 itself.

9 Q But it could have been, for example, the  
10 gunman was down at the bottom of the set of steps,  
11 the victim was midway up the set of steps, that  
12 could have been what caused this trajectory you  
13 described in your examination?

14 A If his arms reached out far enough for  
15 the gun to touch her head.

16 Q Doctor, you mentioned you recovered some  
17 fragments from the skull of Deborah Veney?

18 A Uh-huh.

19 Q Let me show you State's Exhibit 29. Do  
20 you recognize that envelope with the items  
21 therein?

22 A Well, the envelope is closed but on the  
23 front of it it is my handwriting. Actually, there  
24 are two fragments of bullet here, lead like  
25 material.

1 Q Where do they come from?

2 A They came from the brain matter itself  
3 or actually within the cranial vault.

4 Q Of Deborah Veney?

5 A Correct.

6 Q Did you turn those fragments in that  
7 envelope over to Detective Requer of the homicide  
8 unit?

9 A Yes, after labelling the envelope and  
10 placing the fragments in there I turned it over to  
11 the detective.

12 Q The wound, Doctor, to Deborah Veney's  
13 head, would you characterize this as a small,  
14 medium or large wound?

15 A Well, I would characterize it as a wound  
16 that is typical of a high velocity weapon or, to  
17 put it -- a bullet travelling with a lot of  
18 energy.

19 Q What kind of bullet or gun, for example?

20 A Large caliber.

21 Q How about a 357 Magnum?

22 A We, it is consistent with that.

23 Q Doctor, as part of your examination do  
24 you have the body fluids of the victims analyzed  
25 such as drug -- I mean, such as blood and urine,

1 things of that nature?

2 A Yes, we did.

3 Q Was that done in the case of Deborah  
4 Veney?

5 A Yes, it was.

6 Q What, if anything, was found in the  
7 blood bile or urine of Deborah Veney?

8 A In the heart blood there was 0.08  
9 percent alcohol. So there was some alcohol in the  
10 blood taken from the heart.

11 A drug screen of the blood taken from  
12 the heart revealed, and I'll give you the  
13 minimums, cocaine less than 0.1 milligrams per  
14 litre. No other drugs were found in the heart  
15 blood.

16 Drug screen of bile revealed no, no  
17 drugs.

18 Drug screen of the urine revealed  
19 cocaine and metabolites and no other drugs were,  
20 no other drugs were detected. And there is no  
21 number given for drug screening of the urine, just  
22 that there is cocaine and metabolites there but  
23 how much I don't know.

24 Q Doctor, as a result of all your  
25 examination as you have stated it to the jury and

1 your medical training and background, you were  
2 able to form a conclusion as to the cause of death  
3 in this case?

4 A Yes, I was.

5 Q What was that?

6 A It was Deborah Veney had died of a  
7 gunshot wound to the head and we determined the  
8 manner of death as homicide.

9 Q Doctor, let's focus now on the second  
10 victim in this case, that is Glenita Johnson. You  
11 also performed an autopsy and an external  
12 examination on her body, did you not?

13 A Yes, I did.

14 Q And that was on the same date and time  
15 as Deborah Veney's autopsy?

16 A Approximately, yes.

17 Q What, if any, injuries did you notice to  
18 the body of Glenita Johnson?

19 A Well, she had a gunshot wound on the  
20 left side of the head, more toward the top and I  
21 am just pointing to the left side of my head,  
22 perital region. That gunshot wound was stellate  
23 too, like Miss Veney.

24 Basically the energy from the bullet  
25 caused the skin to split giving you a stellate

1 lesion. There was soot on the exposed skull which  
2 had, which had fractured in that area and there  
3 was injury to the underlying brain underneath and  
4 then -- and I believe a bullet was -- it was not a  
5 single bullet, actually it was a fragment of a  
6 bullet with a jacket were recovered from the brain  
7 matter and from the bones at the base of the skull  
8 in the maxillary sinus. That was her first injury  
9 and that was her fatal injury.

10 She also had a gunshot wound of her  
11 right hand and that was a, that was an irregular  
12 gunshot wound. I'm going to point to where on the  
13 hand it was. It was on the third and fourth  
14 metacarpal phalangeal joint, and I am pointing to  
15 my third and fourth fingers on my right hand.

16 The reason why that is atypical is  
17 because it was only fragments of bullets, small  
18 fragments measuring up to a quarter of an inch.  
19 Actually, let me just say one fragment, not  
20 fragments that was recovered from the superficial  
21 tissue here. Again I'd pointed to my right hand.

22 Also on the left leg there were  
23 fragments of bullets superficially embedded in the  
24 skin of the leg just about above the knee, and I  
25 am pointing to my left leg just above my knee.



1       Those fragments were much smaller.

2               So, again, it was a high velocity bullet  
3       doing the same damage and, I guess, in this case  
4       the bullet fragmented and particles of bullet  
5       skipped off the bone and into the right hand and  
6       into the left leg onto the skin at the level of  
7       the left leg.

8           Q       So, in summary, Doctor, it was -- there  
9       was a bullet in the brain of Glenita Johnson?

10          A       That's correct.

11          Q       A larger and actual spent bullet in her  
12       brain?

13          A       Well, it was a larger fragment than what  
14       I recovered from Miss Veney.

15          Q       And there were some smaller fragments  
16       besides the one in Glenita Johnson's brain. There  
17       was a smaller fragment in her right hand and a  
18       smaller fragment in her left leg?

19          A       That's correct.

20          Q       You recovered all of these larger  
21       fragments and smaller fragments?

22          A       I tried to recover as many as I could.

23          Q       Showing you State's Exhibit 28-A, B and  
24       C, are these the fragments, large, small or  
25       whatever, that you got from the head, the right

1 hand and the left leg of Glenita Johnson?

2 A This is, yes, this is my evidence  
3 envelope with my handwriting saying that I have  
4 recovered fragments of bullet from the cranial  
5 vault, in the maxilla, from the head wound.

6 And then I have another envelope here  
7 with my handwriting. Do you want me to open it?

8 Q No, don't open it. Does that look like  
9 the envelope --

10 A Here's the --

11 Q -- that contained what you described?

12 A -- the three envelopes, one with the  
13 bullet fragments and jacket from the head, an  
14 envelope with fragments from the right hand, or  
15 fragment from the right hand, then an envelope  
16 with smaller fragment from the left knee, just  
17 feeling them. They're all my -- it's my  
18 handwriting.

19 Q In the case of Glenita Johnson, the  
20 fatal wound was the head wound?

21 A That's correct.

22 Q The hand wound or the leg wound?

23 A The head wound.

24 Q You had an opportunity, Doctor, I  
25 believe to not only examine the bodies at the

1 Medical Examiner's Office but I think -- did you  
2 also go out to the scene?

3 A Yes, I did.

4 Q And did you have an opportunity to  
5 observe the bodies as they rested out there before  
6 they were removed by whoever removes the bodies  
7 and takes them down to where you were?

8 A That's correct. I went out with our  
9 investigators who also retrieved the bodies,  
10 probably because it was an interesting situation,  
11 double homicide, and I viewed the bodies at the  
12 scene.

13 I was met there by Baltimore City  
14 Homicide Detectives. I forget which ones right  
15 now and, if I recall correctly, we saw Deborah  
16 Veney at the bottom of the stairs in the apartment  
17 and Glenita Johnson was in a chair, sitting in a  
18 chair next to the stairwell.

19 Q Doctor, let me show you a photograph,  
20 State's Exhibit Number 20. Is that Glenita  
21 Johnson as you remember her being there when you  
22 arrived?

23 A Yes, it is.

24 Q I'm going to ask you in a minute,  
25 Doctor, to give an expert medical opinion based

1        upon what you saw at the scene, which is indicated  
2        in the photograph, as well as your examination  
3        back at the Medical Examiner's Office, can you  
4        give an opinion with any reasonable degree of  
5        medical certainty as to how the wounds on her hand  
6        were received?

7            A        Yes. Well, my medical opinion is that  
8        it is all one bullet. I believe it is one  
9        bullet.

10          Q        Why do you say that, and explain that?

11          A        Because bullets can fragment like that  
12        and that her right hand was in the region, you  
13        know, in the region of the gunshot wound to the  
14        head, and I'm placing my right hand on top of my  
15        head. When a bullet hits something like bone,  
16        except the lead portion of it which is the softer  
17        portion, separates from the jacket which is  
18        basically made of copper, and the lead fragments,  
19        the bullet, the fragments can kind of skip off or  
20        skim off, you know, the bone, as in the skull, and  
21        that probably resulted in her injury to her hand  
22        and to her left leg.

23                My feeling is that her right hand was on  
24        the top of her head and she could have been bent  
25        over at the same time and in the same -- I don't

1 know how -- it is not much of a contortion to bend  
2 down and result in injury as to your hand and head  
3 and leg trajectory wise. So it is my opinion that  
4 these are all, you know, related to one shot.

5 Q Could they be more than one shot?

6 A Sure, but it, it would mean that one of  
7 the shots would have had to have ricocheted to end  
8 up in a fragmented bullet like that.

9 Q Chances are it was one shot?

10 A That's my opinion, yes.

11 Q Is there a legal or medical term for the  
12 kind of wound you have when you have powder on  
13 your hand and a piece of a bullet fragment in it  
14 if that hand was on top of your head when you  
15 receive that wound?

16 A No, no particular name for that other  
17 than, you know, if you have powder on your hand  
18 and that, that goes into the range of fire. It is  
19 not particularly defensive because you can't  
20 really stop a bullet with your hand.

21 Q So it wouldn't be defensive because,  
22 like you said, you can't stop a bullet with your  
23 hand?

24 A Right. The range of fire is determined  
25 or we make -- we give an opinion as to range of

1 fire looking at the powder and soot. Essentially  
2 a bullet travels out of a gun barrel but there are  
3 two other things, there's unburned gunpowder and  
4 then there is the burned gunpowder which is soot.  
5 The bullet travels the furthestest away from the  
6 end of the gun barrel, the unburned powder travels  
7 about a foot and a half, maybe three feet and then  
8 the soot travels maybe two or three inches, four  
9 inches maybe. And in some of these wounds which I  
10 have commented that there was soot in the wound  
11 and there was powder, like on the -- like on Ms.  
12 Johnson, I believe I said there was stippling on  
13 the hand which means that there was powder. I'm  
14 just checking my notes again. Okay, I'm sorry, I  
15 was right. There was stippling along the ulnar  
16 margin of the right hand which means that the hand  
17 was not far from the gun barrel at the time of the  
18 shooting. Again, it fits with her hand being  
19 close to the top of her head or on her head.

20 Q That was her right hand?

21 A That's correct.

22 Q Now, in that photograph that you have  
23 that was taken at the scene there --

24 A There was also some soot on her left  
25 hand which means that her left hand was close

1       too.     I am sorry, what were you asking?

2           Q       That's one of the questions I asked  
3       you.     There was soot also on her left hand?

4           A       Right.

5           Q       Indicating that her left hand was close  
6       to the gun barrel when the gun barrel discharged  
7       its bullet?

8           A       That's correct.

9           Q       And showing you what has been marked or  
10       what is in evidence as State's Exhibit Number 15,  
11       what else is in her left hand, if you can tell or  
12       if you saw it out there?

13          A       She has hair which has been -- she has  
14       hair in her hand.

15          Q       Did you or was it done at your request  
16       that the bodily fluids, blood, urine and bile of  
17       Ms. Johnson were examined for the presence or  
18       absence of drugs and alcohol?

19          A       Yes, they were.

20          Q       What conclusions were reached?

21          A       I'm going directly to our toxicological  
22       report.   Actually go to the report as stated in  
23       the autopsy.   She did have a blood alcohol level  
24       of 0.03 percent; that a drug screen of her heart  
25       blood was negative; that a drug screen of her

1 urine showed cocaine and metabolites, a number was  
2 not given; that there was lydocaine in her urine;  
3 and that no other drugs were present.

4 Then a drug screen of her bile was  
5 negative, meaning that no drugs were detected.

6 Q What is lydocaine, Doctor?

7 A Well, lydocaine is a local anesthetic  
8 commonly used by doctors. I assume it is also  
9 used, you know, in preparation of drugs.

10 Q Cocaine in particular?

11 A As a cutting agent.

12 Q A cutting agent, for example, cocaine?

13 A Correct.

14 Q Are you able to reach a conclusion based  
15 upon your examination and your medical training  
16 and experience as to the cause of death of Glenita  
17 Johnson?

18 A Yes. That she died of gunshot wound to  
19 the head and that the manner is homicide.

20 Q Can you give the opinion as to whether  
21 or not the death of these two women was slow or  
22 quick?

23 A I would say that both injuries to the  
24 head were rapidly fatal, meaning seconds.

25 Q Doctor, thank you.



1                   MR. MURPHY: I have no further questions  
2 on direct.

3                   CROSS EXAMINATION

4 BY MR. TAYBACK:

5               Q     Dr. Zane, speaking to Deborah Veney, how  
6 large a woman was she? You examined her, you  
7 weighed her and you measured her height, is that  
8 correct?

9               A     I didn't do it.

10            Q     Somebody did it in your office?

11            A     Yes. Okay, Deborah Veney in the reports  
12 here said she was five-two, and weighed  
13 eighty-four pounds.

14            Q     So she was an extremely small adult, is  
15 that correct, very thin?

16            A     She was small, yes.

17            Q     Eighty-four pounds is very small?

18            A     Yes, it is, right.

19            Q     As to Deborah Veney, with respect to the  
20 medical report that you had typed up, did you  
21 indicate what she had on when you examined her,  
22 what clothes she had on?

23            A     Yes, I did. In my report I have it  
24 listed.

25            Q     And did you list among other things a

1 torn black jacket?

2 A Yes, I did.

3 Q Did you also note in your report that  
4 she had what you called superficial abrasions of  
5 the knuckles of her right hand?

6 A Yes.

7 Q Now, as to those superficial abrasions,  
8 would you be able to indicate that they would have  
9 occurred either from, excuse me, either from  
10 throwing a punch or fighting with somebody or from  
11 scraping them against something?

12 A I can't tell that.

13 Q What would be the possibilities then?

14 A Both of those. Both.

15 Q One or the other, isn't that correct?

16 A Well, I'd have to say both could have  
17 done it. One or the other.

18 Q So she could have either scraped her  
19 knuckles on something or she could have hit  
20 somebody with her hand?

21 A Right, she could have gotten those  
22 scrapes falling down or having hit a wall or hit a  
23 person.

24 Q Now, as to Deborah Veney, her injury to  
25 her head, as your report indicates, is to the

1 right forehead, is that true?

2 A That's correct.

3 Q Now, the right forehead would be to the  
4 right of center?

5 A Yes.

6 Q Would you indicate to the ladies and  
7 gentlemen of jury on your own forehead where that  
8 would be?

9 A Right side of my body, pointing out my  
10 right hand, and it would be about here.

11 Q Doctor, with that in mind, is it  
12 possible that Deborah Veney could have been  
13 injured with a bullet wound to that particular  
14 portion of her skull if she were with her back to  
15 the individual who shot her?

16 A With her back to the individual, he  
17 would have to reach around. He would have to  
18 reach around to, with the gun to have -- I don't  
19 --

20 Q Impossible?

21 A I don't think it's probable.

22 Q Next scenario then, would it be possible  
23 she could have been half way up a flight of stairs  
24 and that the individual who shot her would have  
25 been down at the bottom of the stairs and that

1 Deborah Veney would have been going up those  
2 stairs, turned and angled her head this direction  
3 and then been shot somehow or the other from  
4 behind her into her right forehead?

5 A Could have been a ricochet shot, is that  
6 what you are asking?

7 Q Is that the only way possible?

8 A I believe it is a contact wound.

9 Q Well, as a matter of fact, your  
10 testimony is and your expertise is that the person  
11 who would have shot her would have had to have  
12 been close enough that he or she would have had  
13 the gun and pointed it right here and, excuse me  
14 for touching, but --

15 A Yeah.

16 Q -- but would have had the gun right on  
17 her forehead when the gun went off, is that  
18 correct?

19 A Yes.

20 Q The person would have had to have been a  
21 couple of feet away from that individual and had  
22 that gun right on that person's forehead?

23 A That's correct.

24 Q As to Glenita Johnson, you have  
25 indicated that she had soot on the -- in your

1 report you have indicated she had soot on the left  
2 index finger. That would be her first finger, I  
3 guess, is that correct, or you don't call that the  
4 first finger?

5 A No. It's the, it's the first finger,  
6 it's the second digit but I guess, yes, it is the  
7 first finger.

8 Q So she would have had soot on this  
9 finger?

10 A Yes.

11 Q On what, inner portion or outer portion?

12 A The inner portion.

13 Q So it would have been this particular  
14 portion, at the top of it?

15 A No, I said that it is mainly proximal,  
16 the bottom portion of the finger.

17 Q Proximal, this one then?

18 A Uh-huh.

19 Q So she's got then soot right here on  
20 this portion of her index finger?

21 A That's correct.

22 Q Again you indicated soot was burned  
23 gunpowder?

24 A That's correct.

25 Q And it would have -- it only would

1 travel two to four inches?

2 A About that, yes.

3 Q And the unburned powder is what you  
4 would call the stippling?

5 A Yes.

6 Q Now, on her right hand you have  
7 indicated that there was no soot evident. Isn't  
8 that what your report indicates?

9 A On the right hand there is no, that's  
10 correct, there is no soot evident.

11 Q You say there is gunpowder stippling but  
12 that would explain unburned powder?

13 A That's correct.

14 Q That's the powder that you indicated  
15 travelled farther than the soot?

16 A (Indicating positively.)

17 Q How much would that travel?

18 A That would travel up to a foot and a  
19 half.

20 Q Now, if this individual has her hand as  
21 you have suggested to the jury, that is, her right  
22 hand over her head --

23 A Uh-huh.

24 Q -- where would her left hand be? Would  
25 you be able to give us an opinion as to that?

1           A       I think it was close to the wound too  
2           and I am pointing to my -- I'm putting my left  
3           hand on top of my left head.

4           Q       Why then if both hands are together  
5           would there not be soot as to one and soot as to  
6           the other? Are you able to tell us?

7           A       Well, stippling is or the stippling is  
8           embedded in the skin but soot just washes off the  
9           skin and it could have washed off with the blood.

10          Q       Well, was there any blood on the right  
11          hand that would have washed off the soot?

12          A       There was, there was although I have to  
13          admit it is not in my report.

14          Q       As a matter of fact, you have a wound to  
15          the right hand, don't you, which you call an  
16          atypical gunshot wound?

17          A       That's correct.

18          Q       And that wound, however, is not one that  
19          a bullet went through, is it? That's not a wound  
20          that goes from the top of the hand through the  
21          bottom of the hand into the skull, is it?

22          A       Well, it is a wound that resulted from  
23          fragmentation of the bullet and in a sense  
24          ricocheting off the top of her skull.

25          Q       Well, that's what I'm trying to

1 understand. Essentially which came first? Are  
2 you able to tell us that, this bullet supposedly  
3 going through the skull, then somehow ricocheting,  
4 that is, portions of the bullet ricocheting off  
5 the skull and hitting parts of the body that are  
6 in some close proximity?

7 A That's the way I would interpret it.

8 Q Isn't that exactly what you have in your  
9 report as to the left leg? For example, she  
10 didn't have her left leg on top of her head?

11 A No, no.

12 Q So you have got that being hit by  
13 portions of the bullet, you have got fragments of  
14 lead embedded in the skin?

15 A That's, that's correct.

16 Q You have the same thing with respect to  
17 the right hand?

18 A That's correct.

19 Q The only portion of the body, that is,  
20 of the extremities, the right leg, left leg, right  
21 hand or left hand that has the soot on it is this  
22 particular portion of the left index finger?

23 A That's right. Another explanation is  
24 that the hair might have filtered some of the  
25 soot. That's the only thing I can --



1 Q The hair might have filtered it?

2 A Uh-huh.

3 Q As to the blood and the drugs that you  
4 have testified to, are you expert enough or are  
5 you able to give us an expert opinion as to when  
6 the alcohol would have been ingested, when the  
7 drugs would have been ingested that resulted in  
8 these negative findings and positive findings?

9 A I am not an expert in toxicology. All I  
10 can say is that they were on board.

11 Q On board is a medical term. What does  
12 that mean?

13 A On board is not a medical term. It just  
14 means that she had evidence of drugs in the  
15 different fluids.

16 Q At some time in her different body  
17 fluids?

18 A Uh-huh.

19 MR. TAYBACK: I have no further  
20 questions.

21 REDIRECT EXAMINATION

22 BY MR. MURPHY:

23 Q Doctor, Mr. Tayback asked you the  
24 question of Deborah Veney, could the wound to the  
25 front of her head be gotten by someone standing

1 behind her and you gave the obvious answer, well,  
2 you would have to reach around like this?

3 A Yes.

4 Q Could that wound have gotten there by,  
5 for example, someone standing just below her on  
6 the steps while she is going up and grabbing her  
7 and turning her around and putting the gun up to  
8 her head and shooting it, is that possible?

9 A I would think so. I would think so.

10 Q You, of course, weren't there. So most  
11 of the things we are asking you about here, you  
12 know they're possible maybe, maybe they're not,  
13 you simply know what you saw on the bodies because  
14 --

15 A That's right.

16 Q -- because you weren't there when it  
17 happened?

18 A Unless you fix either the head or part  
19 of the body in question in space, then I can give  
20 you a rough idea where the gun barrel was at that  
21 time or the direction but it is obvious, it is  
22 obvious that the head bends in many different  
23 directions so that she could have been facing one  
24 way or another or just --

25 Q You do know the bullet came from the

1 front and came from below as to Deborah Veney?

2 A Well --

3 Q The trajectory of her head was such that  
4 the wound was downward?

5 A It went front to back and that it went  
6 upward.

7 Q That's all you really know about her  
8 wound?

9 A Uh-huh.

10 Q And likewise as to Glenita Johnson, you  
11 can give your opinions and possible conclusions  
12 but all you really know is what is written in your  
13 report?

14 A That's correct.

15 MR. MURPHY: Your Honor, I have no  
16 further questions.

17 RECROSS EXAMINATION

18 BY MR. TAYBACK:

19 Q Just one, Dr. Zane, and I will let you  
20 go. With respect to the -- Mr. Murphy had  
21 suggested that the bullet wound or the gunshot  
22 wound had to come from the front and below. Isn't  
23 it your testimony that it comes from the front,  
24 number one?

25 A Uh-huh.

1 Q And the trajectory of the bullet is  
2 slightly elevated? Isn't that what you said?

3 A That's exactly my testimony.

4 Q Thank you.

5 MR. MURPHY: No redirect.

6 THE COURT: Dr. Zane, we thank you very  
7 much. Appreciate your cooperation.

8 A Thank you. Am I excused?

9 THE COURT: Yes.

10 JOSEPH KOPERA,

11 a witness produced on call of the State, having  
12 first been duly sworn, according to law, was  
13 examined and testified as follows:

14 THE CLERK: State your name and  
15 currently where you are employed.

16 THE WITNESS: Yes. My name is Joseph  
17 Kopera, K-o-p-e-r-a, I work for the Baltimore  
18 Police Department, Laboratory Division, Ballistics  
19 Unit.

20 DIRECT EXAMINATION

21 BY MR. MURPHY:

22 Q Mr. Kopera, are you a police officer or  
23 a civilian employee?

24 A I'm a civilian employee of the Police  
25 Department, sir.

1           Q     How long have you been employed with the  
2 ballistics section of the police department?

3           A     Approximately eighteen years.

4           Q     And what do you do for them exactly, Mr.  
5 Kopera?

6           A     It is my job to examine any firearm or  
7 firearm related evidence that comes into our  
8 laboratory for analysis. Firearm related evidence  
9 pertaining to any type of spent bullet, cartridge  
10 cases, gun powders or clothing related to a  
11 shooting case.

12          Q     How did you gain your expertise in that  
13 area, Mr. Kopera?

14          A     There are no colleges in the United  
15 States that continually deal with the specifics of  
16 ballistics. So all of our expertise or training  
17 is done through a law enforcement agency such as  
18 the Baltimore City Police or the Federal Bureau of  
19 Investigation or Alcohol, Tobacco and Firearms.  
20 Actually, on the job training.

21                Our qualifications require five years on  
22 the job training and membership in different  
23 organizations, and continuing seminars and classes  
24 conducted by different law enforcement agencies  
25 across the country.

1           Q     Are you the only one who works in your  
2 section or are there others?

3           A     Yes, there are. Yes, there are others  
4 that work in my section. We have a lab contains  
5 five examiners.

6           Q     During your -- was it seventeen years?

7           A     Yes, approximately seventeen full years.

8           Q     How many guns have you examined?

9           A     On a yearly basis I would examine  
10 anywhere between fourteen hundred to sixteen  
11 hundred cases per year.

12          Q     Times seventeen?

13          A     Times seventeen.

14          Q     Whatever that is?

15          A     Times seventeen, yes.

16          Q     You, I assume, have testified in Court  
17 before?

18          A     Yes, I have, sir.

19          Q     Has it been exclusively in Baltimore  
20 City or have you testified also in other courts?

21          A     I testified on the average of -- in 1986  
22 I testified an average of one hundred and twenty  
23 times that year. In city courts, state courts  
24 here in Maryland, federal courts, states of  
25 Virginia, Pennsylvania and Delaware.

1 MR. MURPHY: Your Honor, offer Mr.  
2 Kopera as an expert in the field of firearms  
3 examination and ballistics.

4 MR. TAYBACK: No objection.

5 THE COURT: Very well.

6 Q Did you have occasion, Mr. Kopera, to  
7 receive some time after June 2nd some bullets and  
8 bullet fragments in connection with a homicide  
9 that occurred at 4711 Navarro Avenue?

10 A Yes, I did, sir.

11 Q When did you first receive these bullets  
12 and bullet fragments?

13 A I received five pieces of evidence on  
14 the 9th of June, 1986. I did an examination on  
15 one spent bullet and four fragments recovered from  
16 various places at the crime scene.

17 Q The spent bullet, where do your notes  
18 reveal was that recovered from the crime scene,  
19 where at the crime scene?

20 A Yes, the spent bullet which is  
21 designated as Q-1B for our records, meaning  
22 questioned bullet number one, was recovered at the  
23 base of stairs at the crime scene.

24 Q That is 4711 Navarro Avenue?

25 A Correct, sir.

1           Q     Let me show you, which is in evidence as  
2     State's Exhibit Number 24, is that Q-1B, the spent  
3     bullet found at the base of the stairs at 4711  
4     Navarro Avenue?

5           A     Yes, sir, this is the spent bullet which  
6     I examined on the 9th of June, 1986.

7           Q     You also mentioned you received some  
8     fragments on that same date?

9           A     Correct, sir.

10          Q     Let me show you State's Exhibit 25, 23,  
11     26 and 27. Are they the fragments you received on  
12     June 9th --

13               THE COURT: Mr. Murphy, if you will  
14     excuse me just one minute. I have one urgent  
15     matter that will take about a minute. Everyone  
16     remain seated.

17               (Pause.)

18               THE COURT: Continue.

19     BY MR. MURPHY:

20          Q     Mr. Kopera, I believe I was on these  
21     items in your hand --

22          A     Correct.

23          Q     -- you identified number 24 as the spent  
24     bullet you received on June 9th, which was found  
25     at the base of the steps? The other items in your



1 hands, State's Exhibit 23, 25, 26, 27, were they  
2 the fragments found at the crime scene turned into  
3 you?

4 A Yes, they are, sir.

5 Q And do they say where they were found?

6 A Yes, very briefly. One fragment was  
7 recovered from the victim, one fragment was  
8 recovered from victim in chair, left shoulder.  
9 One fragment recovered from the victim in chair,  
10 left leg. One fragment recovered from chair in  
11 living room that the victim was sitting in and the  
12 fourth fragment was recovered from the brain  
13 matter on the living room floor.

14 Q What's the difference between a spent  
15 bullet and a fragment?

16 A A bullet is the whole projectile that is  
17 fired out of a cartridge and it is usually intact  
18 where we can identify it as being a whole spent  
19 bullet. A fragment is usually a component part or  
20 a part of a bullet that fragments upon hitting  
21 something. It is usually either a part of the  
22 jacket or a part of the metal jacket or a part of  
23 the inner core, being the lead.

24 Q All right. Mr. Kopera, let me ask you,  
25 did you receive some time after June 9th some

1 fragments as well as a spent bullet that came from  
2 the Medical Examiner's Office?

3 A Yes, I did, sir.

4 Q And when did you receive them and what  
5 were they?

6 A I received -- I did analysis on those  
7 pieces of evidence on the 13th of June, 1986. The  
8 first item which I examined, it's identified as  
9 Q-2B, questionable bullet number 2, is the spent  
10 jacket of a bullet and fragments removed from the  
11 head of one Glenita or Glenita Johnson from the  
12 Medical Examiner's Office.

13 The second item was a metal fragment  
14 removed from the right hand of Miss Glenita  
15 Johnson.

16 And third item was a metal fragment  
17 removed from the left knee of Miss Glenita  
18 Johnson.

19 Q Again, the spent bullet is a larger  
20 thing than the fragments?

21 A Correct.

22 Q Did you also receive at some point a  
23 small fragment from the Medical Examiner's Office  
24 that came from somewhere on Deborah Veney, the  
25 cranial vault of Deborah Veney?

1           A       Yes, the envelope submitted from the  
2 Medical Examiner, also examined on the 13th of  
3 June 1986, was identified by me as two small metal  
4 fragments removed from the head of one Deborah  
5 Veney.

6           Q       Mr. Kopera, when you received these two  
7 spent bullets and all their fragments, you didn't  
8 have a gun to examine in connection with this case  
9 at that time, did you?

10          A       No, I did not, sir.

11          Q       Did you nonetheless examine these  
12 bullets at that time?

13          A       Yes, I did.

14          Q       What were you looking for in examining  
15 these bullets and fragments at that time?

16          A       When we get a piece of evidence such as  
17 a spent projectile we must be able to determine  
18 first of all its caliber and certain  
19 characteristics about a bullet.

20                 I'd like to explain something to the  
21 Court or to the jury, if I may, about how we can  
22 do this and how we come to a conclusion, what we  
23 are talking about in our identification.

24          Q       I believe Mr. Kopera has some  
25 demonstrative evidence. If he could approach the

1 jury, perhaps he could explain exactly what he  
2 goes through when he examines bullets and guns?

3 MR. TAYBACK: No objection, Your Honor.

4 THE COURT: Very well.

5 A Thank you, Your Honor.

6 (Witness stepped down from the stand.)

7 A I will speak loudly enough so that you  
8 will hear me.

9 When we get a projectile or a piece of  
10 evidence into our lab that we can identify as a  
11 bullet we must be able to get everything out of  
12 that piece of evidence that is ballistically  
13 possible.

14 What I'm holding up in my hand is a  
15 model of a spent bullet that would come into our  
16 lab. First of all, we would weigh the piece of  
17 evidence or bullet, presumed bullet, and measure  
18 it to determine the caliber because different  
19 calibers of bullets have different measurements.  
20 In this particular case, we are talking about a  
21 spent bullet which is metal jacketed and later in  
22 my testimony I will bring out exactly what it is.  
23 It is a 357 Magnum type of spent projectile. Then  
24 we take the bullet and we look at it under a  
25 microscope to determine the land and groove areas

1 of the bullet.

2 The land and groove areas are very  
3 important in the identification of a bullet  
4 because from these land and groove areas we can  
5 identify that particular bullet as being fired  
6 from a particular gun, because when guns are made  
7 the barrels are tooled or what we called rifled in  
8 such a way that the markings inside that barrel  
9 that are transferred on to the bullet when fired  
10 are as different as fingerprints. Everybody's  
11 fingerprint is different. They can identify you  
12 and only you. Well, the same thing in the  
13 processing of a barrel of a gun and the bullet  
14 that comes out of it.

15 So that when I take this projectile, or  
16 the two projectiles which I will be testifying  
17 about today, and microscopically look at them, I  
18 can take those lands and grooves and conclude that  
19 this bullet was fired from a particular type of  
20 gun without even having the gun.

21 Once I get the gun and take test shots  
22 or test bullets from that gun, I can positively  
23 say it was fired from that gun. But in the  
24 meantime, I'm only working with the bullet. What  
25 I do microscopically is measure these land and

1 groove areas because the manufacturers of these  
2 guns use particular or certain specifications in  
3 making their guns. I was able to do this in this  
4 particular case.

5 One thing before I am seated, because I  
6 will be talking about both cartridges and spent  
7 bullets today, I am showing you a picture --  
8 counsel, I'm showing you a picture of a cartridge,  
9 it is on the right hand side. A cartridge is made  
10 up of four component parts. You have the bullet  
11 or the projectile which travels down the barrel of  
12 the gun when fired. You have the powder charge  
13 which is ignited when you fire a cartridge or a  
14 bullet. You have the cartridge case that holds  
15 the bullet and the powder charge and, fourthly,  
16 you have the primer which is the catalyst for  
17 igniting the main powder charge.

18 Now, the primer is very important  
19 because that is the part of the cartridge that  
20 comes in contact with the firing pin of the weapon  
21 and hits the firing or hits the primer area and  
22 leaves an indentation, leaves its own significant  
23 mark such that I've been talking about with the  
24 markings on the bullet.

25 Mr. Murphy.

1           Q       So, Mr. Kopera, before you sit back down

2       --

3           A       Yes.

4           Q       -- in summary, you got two spent  
5       bullets, you didn't have any gun, but because of  
6       the individual lands and grooves inside a  
7       manufacturer's gun you were able to determine, I  
8       think you are saying, what kind of ammunition this  
9       is and what kind, what kind of gun this was shot  
10      in without even having the gun?

11          A       Yes. Correct.

12          Q       Now, on these exhibits here, 24 and  
13      28-A, can you see the land and groove markings you  
14      are speaking of?

15          A       Yes. You can see them visually with the  
16      human eye. The fine markings are only visible  
17      through a microscope, the markings that we will  
18      match up to positively say that this bullet was  
19      fired from this gun.

20          Q       The markings that you look at to  
21      determine what kind of gun it is fired from, in  
22      other words, a Smith, a Smith and Wesson, 357  
23      Magnum, you can see them with your naked eye?

24          A       Yes.

25          Q       But the kind of markings you are able to

1 match up those bullets with a certain Smith and  
2 Wesson 357 Magnum such as this one to the  
3 exclusion of all other Smith and Wesson 357  
4 Magnums, you have to use a microscope to see them?

5 A Yes, sir. Correct, sir.

6 Q And, likewise, the markings in the gun  
7 that make these markings on the bullet, can you  
8 see them in the barrel with your naked eye?

9 A Yes, yes.

10 Q The general characteristics you can see  
11 with your naked eye?

12 A The general class characteristics as  
13 they are called.

14 Q And, likewise, the specific things that  
15 match up a bullet to a gun, you need a microscope  
16 for that?

17 A Yes, sir.

18 Q And this gun I'm holding right here, you  
19 can see the general class characteristics in that  
20 barrel, can't you?

21 A Yes, sir. May I approach?

22 Ladies and gentlemen of the jury, what  
23 counsel is talking about, during my examination of  
24 the weapon to determine the general class  
25 characteristics or the rifling of a weapon I would



1 look down the barrel of the gun, as I am doing  
2 now, with my finger, finger in the back and I  
3 would count the number of lands and grooves in the  
4 actual barrel and also determine the twist. I can  
5 look down this barrel and see that there are five  
6 lands and grooves in this barrel and they twist to  
7 the right.

8 Q Your Honor, if any members of the jury  
9 would like to examine that to see what he is  
10 talking about, the gun is disarmed, it's in  
11 evidence -- I don't know whether anyone wants to  
12 -- you can look and see what you are talking  
13 about.

14 THE FOREMAN: I'd like to see it.

15 Q Mr. Kopera, likewise, can you see the  
16 marks, that is, those twists the barrel makes on  
17 the bullet in State's Exhibit Number 24?

18 A Yes, you can. If the bullet is held in  
19 the hand we can usually see the markings that are  
20 transferred onto the bullet. The part would be on  
21 the sides of the bullet as you look at it. If you  
22 hold it just like that you will see the markings.

23 Q Put it back in there and I will pass it  
24 along and go on asking the rest of the questions.

25 A Be seated?

1           Q     You can sit down. Again, Mr. Kopera,  
2     they're the things you can see with the naked eye,  
3     simply tell you that that bullet was fired from  
4     this kind of gun?

5           A     Correct. My identification of two  
6     specimens we are talking about, the specimens  
7     being the two spent bullets, I identified these  
8     two particular bullets as 357 Magnum spent bullets  
9     having five land and groove impressions with a  
10    right twist.

11               Also from my microscopic measurements  
12    from those particular bullets, I was able to  
13    evaluate that the gun that fired them was a 357  
14    revolver of the Smith and Wesson manufacturer.

15           Q     That's both the bullet found at the  
16    crime scene and the bullet from the head of one of  
17    the victims?

18           A     Yes.

19           Q     How about your examination of the  
20    fragments, what did your examination of the  
21    fragments tell you, if anything?

22           A     The two metal fragments that were  
23    recovered from Miss Deborah Veney at the Medical  
24    Examiner's Office, I was able to conclude that the  
25    metal fragments were of the same metal or

1 consistent with the same type of jacket, metal  
2 jacket that is, the same type from the two bullets  
3 which I examined. They're stainless steel type of  
4 metal jacket over, covering the two bullets which  
5 I am examining or had examined. The metal  
6 fragments were consistent in manufacture to those  
7 spent bullets.

8 Q How about the other fragments, the ones  
9 found at the crime scene and the ones found in the  
10 other victim, Glenita Johnson?

11 A They were examined and found to be four  
12 lead particles of undetermined origin. What I  
13 mean by undetermined origin is that they had no --  
14 the lead inner cores of bullets do not have any  
15 characteristic marks of a particular  
16 manufacturer. They're just a filler within the  
17 bullet to give it weight.

18 Q Is it possible that they came from the  
19 bullets that you could identify?

20 A Oh, yes, because the design of the  
21 bullets which are Q-1B and Q-2B are manufactured  
22 to fragment upon impact on target.

23 Q Why do they do that, if you know, Mr.  
24 Kopera? Why are they manufactured to fragment as  
25 they did in this case?

1           A       It's the design of the bullet by the  
2 manufacturer. They are what we call a semi  
3 jacketed hollow point bullet and upon impact on  
4 any target they are designed to open up and  
5 fragment. They're known as a devastating type of  
6 bullet.

7           Q       Did there come a time, Mr. Kopera, when  
8 you received a gun in this case?

9           A       Yes, there was, sir.

10          Q       When was that?

11          A       A weapon was turned in to me by the New  
12 York City Police Department on the 29th of  
13 September, 1986. The weapon was a 357 Magnum  
14 Smith and Wesson revolver, model 19, the serial  
15 number 71K0412.

16          Q       Showing you State's Exhibit Number 1, is  
17 this the gun you received and examined in this  
18 case?

19          A       Yes, sir, it is.

20          Q       Did you examine, re-examine the bullets  
21 that you had already examined in this case in  
22 connection with tracing them or not tracing them  
23 to that gun you are holding in your hand?

24          A       Yes, I did, sir.

25          Q       What conclusions were you able to make

1 and how did you make them?

2 A First of all, the examination of the gun  
3 entails test firing the weapon to see if it is in  
4 proper operating condition. During the test  
5 firing you test into a tank type apparatus where  
6 we can recover the spent bullets that we fire into  
7 it. These spent bullets are then compared under  
8 the microscope to any outstanding evidence that we  
9 have.

10 In this particular case, I had two  
11 previously examined spent bullets and I compared  
12 them microscopically to the test bullet from this  
13 gun. Now, this is done by matching up the land  
14 and groove areas and define markings within those  
15 areas which we call stria. They are like, again,  
16 as I said, the fingerprint of the bullet.

17 Q Why is every gun different in regard to  
18 stria, the microscopic characteristics?

19 A During the manufacture, manufacturing of  
20 a gun, as I was explaining, lands and grooves are  
21 placed in the barrel portion of the weapon.  
22 During this process they start off with a large  
23 bar, piece of metal, and they bore the hole into  
24 the metal the approximate size of the caliber of  
25 weapon that it is going on to. After they bore

1     this hole they take an instrument they call a  
2     broach which is a piece of metal approximately  
3     three feet long and has a series of twenty-six  
4     teeth on it. This broach is drawn, mechanically  
5     drawn through the bored barrel and it cuts into  
6     the barrel and is twisted or turned at a certain  
7     rate of pitch, meaning it makes so many turns in  
8     so many inches. During this process metal is  
9     being scraped out along with the cutting blades of  
10    the broach and tiny scratches are placed inside  
11    the barrel.

12               Now, the purpose of the rifling or the  
13    broaching of a barrel is to give the bullet spin  
14    when it is fired down the barrel. It is to give  
15    it trajectory so it hits its target when you fire  
16    the gun. So that is the purpose of the broaching  
17    in the first place.

18               The markings inside, the fine stria are  
19    actually placed in there accidentally because of  
20    the tooling of the gun. So after they take the  
21    four foot bar and it is broached and the rifling  
22    and the lands and grooves are placed into it, it  
23    is then cut up into different lengths for barrels  
24    of a weapon and you have so many variables  
25    involved, even though you are using the same tool,

1       you have a variable of scraping of metal, you have  
2       a variable of the rate of pitch, and you have the  
3       variable of cutting the barrel down so that you  
4       are getting different areas of cutting of the  
5       broach as it goes through the barrel. So this is  
6       why each barrel in a manufactured gun has its own  
7       significant marks that can lead to an  
8       identification of a bullet that has been fired  
9       from that gun.

10           Q       You did make such an examination of this  
11       gun and these bullets?

12           A       Yes, I did, sir.

13           Q       What conclusion did you reach?

14           A       After the microscopic examination of the  
15       test shots from this weapon and the two previously  
16       examined bullets from the victims of this homicide  
17       I was able to conclude that this was the weapon  
18       that fired those two bullets in the victims.

19           Q       And it is this weapon that fired the two  
20       bullets and no other weapon in the world?

21           A       Correct, sir.

22           Q       There is no question about that  
23       whatsoever?

24           A       No question.

25           Q       Mr. Kopera, you also had occasion to

1 receive some live ammunition at some point in the  
2 history of this case?

3 A Yes, sir. Back on June the 23rd of  
4 1986, I received a veritable amount of ammunition,  
5 over a hundred different varieties of cartridges  
6 and also two live cartridges of the 357 Magnum  
7 type that had light firing pin impressions.

8 Now, being live ammunition and having  
9 firing pin impressions in it means that there was  
10 some reason why the cartridges did not fire.  
11 There could be a number of or variable number of  
12 reasons why it did not fire. Could be through  
13 being old ammunition or the primer being seated  
14 too low, or the chambering of cartridges were too  
15 low in the revolver, but it did make two  
16 indentations in the primer area that were  
17 identifiable.

18 On that date, the 23rd of June, I was  
19 able to examine those two live cartridges with the  
20 firing pin impressions and determine that both of  
21 these live cartridges with the impressions were  
22 attempted to be fired from the same gun.

23 Q Did you then examine then in connection  
24 with this gun here, State's Exhibit 1?

25 A Yes, back on the 29th of December when I



1 received that weapon, I was able to take test  
2 firings of cartridge cases from that weapon and  
3 compare them to these two live cartridges  
4 recovered from 862 West Fayette Street and  
5 determine that those two live cartridges were at  
6 one time attempted to be fired in that particular  
7 weapon, that Smith and Wesson revolver.

8 Q Mr. Kopera, what does 357 Magnum mean?

9 A 357 is a designation for the size of the  
10 bullet or the size of the cartridge that is to be  
11 loaded in a weapon. Actually 357 is .357 inches.  
12 It is the diameter of the bullet that is to be  
13 fired out of the weapon.

14 Q Is that a small weapon, a medium sized  
15 weapon or a large weapon?

16 A It is a large, considered a large.

17 Q What does the Magnum portion of 357  
18 Magnum mean?

19 A Magnum means extra load. Extra power in  
20 the powder charge, extra load in the powder  
21 charge.

22 Q What is the effect of having an extra, a  
23 gun that can hold an extra powder charge?

24 A It is a more powerful load meaning that  
25 it will propel the bullet or projectile faster and

1 on that particular gun and this particular  
2 ammunition you are taking a lead projectile  
3 weighing approximately a hundred and fifty eight  
4 grains and propelling it at a speed beyond twenty,  
5 twenty-one hundred feet per second.

6 Q Twenty-one hundred feet per second?

7 A Correct.

8 Q Would you say then that this gun here, a  
9 357 Magnum is a low or high velocity weapon?

10 A It's a high velocity weapon, sir.

11 MR. MURPHY: Thank you, Mr. Kopera. I  
12 have no further questions.

13 CROSS EXAMINATION

14 BY MR. TAYBACK:

15 Q Mr. Kopera, with respect to those  
16 bullets that you received on June 23, 1986 for  
17 comparison purposes, you received a hundred and  
18 twenty cartridges or hundred and twenty bullets, I  
19 guess, would be the term that we would use? You  
20 used hundred and twenty cartridges as the number  
21 that you have in the various amounts, forty 22  
22 caliber, forty-one 380 caliber, one S 9  
23 millimeter, two 357 Magnum caliber, then you have  
24 got SJHP, would that be semi jacketed, hollow  
25 point --

1           A     Yes, sir.  Correct, sir.

2           Q     -- frontier live cartridges, then  
3           twenty-six 357 Magnum caliber, full metal jacketed  
4           hollow Winchester Western cartridges, that's what  
5           you received and your report indicates that was  
6           received by the Baltimore City Police Department  
7           under a certain police complaint number from 862  
8           West Fayette Street, is that correct?

9           A     Yes.

10          Q     Now, when those were submitted to you,  
11          you used a designation as to the two 357 Magnum  
12          caliber semi jacketed hollow point frontier  
13          jackets and Q-1 and Q-2.  Are those the bullets  
14          that you indicated to the ladies and gentlemen of  
15          the jury that you were eventually able to  
16          determine had been attempted to be fired from this  
17          weapon which is in evidence?

18          A     Yes, sir.

19          Q     Now, when you say in your report the  
20          words were attempted to be fired, does that mean  
21          that the gun was fired but the bullets misfired  
22          for some reason?

23          A     Well, the gun attempts to fire, yes.  
24          The cartridges were attempted to be fired.

25          Q     The person then who would be firing the

1        weapon would be pulling the trigger expecting the  
2        bullet to go off but the bullet doesn't discharge  
3        for some reason?

4            A        Correct.

5            Q        These bullets again were from 862 West  
6        Fayette Street, the other twenty-six bullets that  
7        were found, they were Winchester Western  
8        cartridges. The bullets that were taken from the  
9        two victims, Deborah Veney and Glenita Johnson,  
10       were those also of a particular manufacture?

11           A        Yes, they were identified as the same as  
12       the live cartridges. 357 Winchester Western --  
13       let me start over -- 357 Magnum Winchester Western  
14       silver tipped bullet.

15                    Silver tip is a trade name for this  
16       particular type of cartridge. It's a steel jacket  
17       hollow point bullet.

18           Q        They were the same then as the bullets  
19       that were found at 862 West Fayette Street, is  
20       that correct?

21           A        Correct.

22           Q        You indicated that twenty-six bullets  
23       were brought to you from 862 West Fayette Street.  
24       Were they brought in a plastic bag or some sort of  
25       container loose or were they brought in some sort

1 of cartridge container that is purchased?

2 A They are -- they were, if I recall  
3 correctly, they were in a styrofoam holder.

4 Q That styrofoam holder would be a small  
5 styrofoam piece of material into which the bullets  
6 are fit, then they are put into a cardboard carton  
7 that says something like Winchester Western?

8 A Yes, the manufacturer's styrofoam  
9 holders usually hold fifty cartridges. There were  
10 twenty-six in this particular one.

11 Q So that would mean twenty-four had  
12 either been used or placed elsewhere, is that  
13 correct?

14 A I would assume, yes. There were only  
15 twenty-six in that particular roll.

16 Q I have no further questions.

17 MR. MURPHY: No redirect.

18 THE COURT: Thank you very much, Mr.  
19 Kopera. You may step down.

20 A Thank you, Your Honor.

21 THE COURT: See counsel at the bench.

22 (Whereupon, a bench conference was held  
23 which was not made a part of this record,  
24 following which proceedings resumed.)

25 (Whereupon a juror approached the

1 bench.)

2 THE COURT: Would you identify yourself  
3 for the record please?

4 THE JUROR: My name is Myrtle Turnage.

5 THE COURT: Mrs. Turnage, as I  
6 understand it, you have a medical problem that you  
7 have to --

8 THE JUROR: I had a biopsy done on my  
9 breast and I'm supposed to get it checked out  
10 tomorrow. I have a clinic appointment.

11 THE COURT: And, as I understand it, it  
12 would be difficult for you to rearrange that  
13 appointment.

14 THE JUROR: I don't know. I didn't call  
15 them.

16 THE COURT: Well, my information was  
17 that you thought there would be some difficulty  
18 with your continuing with this trial?

19 THE JUROR: I feel I needed to go  
20 because I'm having problems, having pains in it.

21 THE COURT: In that area?

22 THE JUROR: Yes.

23 THE COURT: Step aside for a moment  
24 please. Alternate two had indicated to the clerk  
25 that she was having some difficulty with this

1 condition and that she has had, and that she  
2 wanted to be excused, that she was asking to be  
3 allowed to go to have this examination tomorrow.  
4 We are at a point where we are about to break so  
5 the Court will have to make a decision.

6 MR. BRAVE: Well, I think that at this  
7 stage of the trial we can probably chance it.

8 THE COURT: Mr. Tayback?

9 MR. TAYBACK: I'm willing to assume the  
10 risk, yes.

11 THE COURT: Come back up, ma'am.

12 Miss Turnage, we are going to excuse you  
13 from the jury but I would ask that you not discuss  
14 it with the jury and when you leave you won't have  
15 to come back tomorrow.

16 THE JUROR: Won't?

17 THE COURT: No, that will be the end of  
18 it. You won't have to return.

19 THE JUROR: Oh. Can I get a slip to  
20 take back to my job?

21 THE COURT: We will have that made up  
22 for you. Go back to your seat for right now.

23 THE JUROR: Thanks.

24 (Whereupon, received a note from the  
25 jury.)

1                   THE COURT: I'll read into the record  
2 the question received from the jury. Can the  
3 primer of a bullet be damaged from the gun being  
4 cocked and uncocked.

5                   The Court is in the position -- He's  
6 gone, isn't he?

7                   MR. BRAVE: He may be outside. Do you  
8 want me to go see?

9                   THE COURT: John, go see whether Mr.  
10 Kopera is out there.

11                  MR. TAYBACK: You don't have to call  
12 him, just suggest --

13                  MR. MURPHY: Your Honor, it's simply not  
14 in evidence one way or the other.

15                  THE COURT: It is not now, no. And if  
16 if he can't be called to the stand to answer it,  
17 and I am not about to answer this question. I  
18 mean, notwithstanding that we know the answer, no  
19 one here is an expert.

20                  MR. BRAVE: He's still out there.

21                  MR. TAYBACK: He left?

22                  THE COURT: No, he's still there.

23                  All right. I'm going to ask the  
24 question and after that question I'm going to let  
25 the jury go. That's going to be it for the day.



1 9:30 tomorrow.

2 MR. TAYBACK: Well, it's about the first  
3 day I've had a problem. I have to be at  
4 Southeastern. I can make it at 9:50.

5 THE COURT: All right, 9:45 all right.

6 MR. BRAVE: Judge, will you be available  
7 for a short time to sign a writ for Poppy? I  
8 don't want to -- for Leroy Boyce.

9 THE COURT: Today?

10 MR. BRAVE: Today.

11 THE COURT: I've got an emergency that I  
12 have to take care of. I mean, where is the writ?

13 MR. BRAVE: Well, I'm thinking in order  
14 to avoid a delay tomorrow, to bring Leroy Boyce in  
15 tomorrow instead of --

16 THE COURT: Where is the writ?

17 MR. BRAVE: I haven't gotten it made up  
18 yet.

19 THE COURT: Can you get another Judge to  
20 sign it because I do have an emergency.

21 MR. BRAVE: I'll try, Your Honor.

22 (Whereupon, counsel returned to the  
23 trial table and proceedings resumed in open  
24 court.)

25 JOSEPH KOPERA,

1 a witness produced on call of the State, having  
2 first been previously sworn, according to law, was  
3 examined and testified as follows:

4 THE CLERK: I remind you are still under  
5 oath.

6 THE COURT: All right, Mr. Kopera, I  
7 think this question can be answered pretty much by  
8 a yes or no unless you feel absolutely constrained  
9 to explain it. Can the primer of a bullet be  
10 damaged from the gun being cocked and uncocked?  
11 When we say cocked, we are just talking about  
12 pulling the hammer back and then letting the  
13 hammer go back to the regular position and pulling  
14 the hammer back again, not the double action.

15 Do you understand what I'm saying?

16 A Yes, sir. The answer to that would be  
17 no, because in this particular weapon there is  
18 what we call a lifter block or rebound block which  
19 blocks the firing pin from going forward unless  
20 the gun is actually fired, in the firing mode,  
21 meaning during single action which allows the  
22 firing pin to fly all the way forward and onto the  
23 primer.

24 THE COURT: Thank you very much, sir.  
25 All right ladies and gentlemen, we are going to

1 break for the day because of the fact that the  
2 next witness is coming from New York and was  
3 delayed in the transportation here.

4 I would ask that you please report here  
5 at the same time tomorrow. Remember the  
6 admonitions that I made earlier. Don't let anyone  
7 talk to you about this case and do not follow any  
8 news media coverage.

9 Thank you very much. You are free to  
10 go.

11 (Whereupon Court adjourned for the day.)  
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REPORTER'S CERTIFICATE

I, Rita M. E. Taggart, an Official Court Reporter of the Circuit Court for Baltimore City, do hereby certify that I recorded stenographically the proceedings in the matter of STATE versus REUBEN RAINEY, on JUNE 6, 1987.

I further certify that the foregoing pages constitute the official transcript of proceedings as transcribed by me to the within typewritten matter in a complete and accurate manner.

In Witness Whereof, I have hereunto  
subscribed my name this 15th day of January, 1988.

  
Rita M. E. Taggart  
Official Court Reporter

1 IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

2 STATE OF MARYLAND

3 INDICTMENT NO. 18626016,17

4 VERSUS

5 REUBEN RAINEY

6 \_\_\_\_\_ / JULY 7, 1987

7 REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS

8  
9 BEFORE:

10 THE HONORABLE ARRIE W. DAVIS, JUDGE  
11 AND A JURY

12 APPEARANCES

13 ON BEHALF OF THE STATE:

14 SAMUEL BRAVE, ESQUIRE  
15 ASSISTANT STATE'S ATTORNEY

16 BRIAN MURPHY, ESQUIRE  
17 ASSISTANT STATE'S ATTORNEY

18 ON BEHALF OF THE DEFENDANT:

19 GORDON TAYBACK, ESQUIRE

20 REPORTED BY:

21 Rita M. E. Taggart  
22 Official Court Reporter  
23 507 Courthouse West  
24 Baltimore, Maryland 21202  
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P R O C E E D I N G S

MR. BRAVE: Good morning, Your Honor.

THE COURT: Who signed the writ  
yesterday?

MR. BRAVE: Judge Pines did, and I was  
informed by Sergeant Collins immediately when I  
took the writ, the signed two truetested copies of  
the writ, immediately to Sergeant Collins of the  
Baltimore City Jail downstairs, I was informed  
that, no, we wouldn't have to get the homicide  
detectives to do the transporting, that Baltimore  
City Jail would do it just as it had done a half a  
dozen times the month before.

This morning I just spoke to Lieutenant  
Childs who is Sergeant Collins' superior at  
Baltimore City Jail. Because of his being  
informed of this just this morning and because of  
his lack of personnel, he told me that he is not  
in a position to -- he was not in a position until  
right now to go out to Anne Arundel County to  
bring Mr. Boyce in. So Mr. Boyce, will be about  
two hours I would think before he is here.

THE COURT: So give me a time.

MR. BRAVE: Noon, according to  
Lieutenant Childs. If Lieutenant Childs is

1 accurate in his prediction then I'll be accurate.

2 THE COURT: All right. I'll excuse the  
3 jury until noon then.

4 MR. BRAVE: Very well, Your Honor.

5 THE COURT: Bring the jury down.

6 Hold it a minute. Bring Mr. Rainey up.

7 MR. BRAVE: At some point the State will  
8 rest, which it hasn't done yet.

9 THE COURT: There will be no more  
10 witnesses?

11 MR. BRAVE: State has no more witnesses.  
12 The reason I'm going through with this procedure  
13 with Leroy Boyce is that I believe he's going to  
14 be the first witness for the defense and I believe  
15 the defense is going to successfully ask that he  
16 be called as a Court's witness. That's how I  
17 foresee it. Of course, it is up to you.

18 THE COURT: State is not opposing it?

19 MR. BRAVE: No, I don't see any grounds  
20 to oppose it. I think he's got the criteria  
21 pretty much under control.

22 THE COURT: We can save any argument for  
23 when the Defendant arrives but the one thing I  
24 would say is that virtually all the cases that  
25 deal with calling the witness as a Court's witness

1 deal with State's witnesses who are reluctant to  
2 cooperate with the State. The only factor which  
3 becomes a little difficult when you try to apply  
4 the same analogy in reverse is the fact you are  
5 dealing with the closeness between what normally  
6 is the State's witness and the Defendant.

7 In this case it would be a question of  
8 the defense witness -- have a person talking  
9 about, I guess, the State as opposed to the  
10 Defendant. On the other, when you get on the the  
11 other situation, dealing with the other situation  
12 --

13 MR. BRAVE: Then, again, Your Honor, is  
14 the similarity in the traditional case which you  
15 cite where --

16 THE DEFENDANT: Good morning, Your  
17 Honor.

18 THE COURT: Good morning.

19 MR. BRAVE: -- State asks that a witness  
20 be called as a State's witness, that witness, just  
21 like Mr. Boyce, does have a reason, an arguable  
22 reason to lie based on his relationship with the  
23 Defendant. There is that similarity. That seems  
24 to me to be the key.

25 THE COURT: All right, let's bring the



1 jury down.

2 (Whereupon, the jury entered the  
3 courtroom, after which the following proceedings  
4 ensued:)

5 THE COURT: Ladies and gentlemen, I  
6 apologize again for any hold up in the proceedings  
7 but there have been some administrative matters  
8 that could not be worked out in order for us to  
9 proceed with the next witness. So rather than  
10 keep you cooped up in the jury room, I'm going to  
11 ask that you take a break now until 12 o'clock and  
12 return at 12 o'clock. Hopefully by that time we  
13 will have the next witness to proceed.

14 All right. You are free to go until  
15 12.

16 MR. BRAVE: Excuse me. Perhaps we  
17 should approach the bench on scheduling.

18 THE COURT: All right.

19 (Whereupon, a bench conference was held  
20 which was not made a part of this record,  
21 following which proceedings resumed in open  
22 court.)

23 THE COURT: All right, ladies and  
24 gentlemen, I will change the time until one  
25 o'clock. You are free to go until then. All

1 right. You may leave. Court will take a two  
2 minute recess.

3 (Whereupon the Court recessed, following  
4 which the proceedings in this matter resumed:)

5 AFTERNOON SESSION

6 2:30 p.m.

7 MR. BRAVE: Good afternoon, Your Honor.  
8 I believe Mr. Tayback has a preliminary matter to  
9 bring to the Court's attention.

10 MR. TAYBACK: Yes, Your Honor, with  
11 respect to the photographs attached to the autopsy  
12 protocols that I had argued yesterday should be  
13 excluded, the Court indicated it agreed with the  
14 analysis that I was making, which was that you had  
15 to balance the inflammatory aspect of the  
16 photographs with respect to their probative or as  
17 contrasted to their probative value.

18 The Court did make a finding that  
19 because the Doctor would have an opportunity to  
20 reference those photographs, to point out details  
21 having to do with the way a bullet would impact  
22 upon the skull and the force and other factors  
23 that could be involved, it would be important to  
24 the State's case and would have material value.

25 Your Honor will recall that when Dr.

1 Zane did testify he did not refer to those  
2 photographs. Those photographs were introduced as  
3 evidence as autopsy photographs attached to the  
4 protocols and they were introduced in that  
5 regard. That was his reference to those  
6 photographs. His other reference then to the  
7 other photographs was to those photographs, those  
8 color photographs that are already in evidence. I  
9 objected to those also but he referenced those  
10 when he made any reference to any photographs at  
11 all. Those were shown to him by Mr. Murphy.

12 Therefore, it seems to me that the State  
13 in trying the case in the manner in which it has  
14 chosen to do so negates any value to those  
15 photographs. They're not of evidentiary value  
16 when they are not used for evidence, when they are  
17 simply introduced as being an attachment to the  
18 autopsy protocol. That being the situation, then  
19 the Court has to go back to the analysis that we  
20 used and the Court will recall its own language  
21 indicating that the photographs because of their  
22 very nature were very inflammatory.

23 I would then argue that the Court should  
24 at this time exclude those photographs from the  
25 case. They have not been shown to the jury and

1       there has been no taint or problem in that  
2       regard.

3               I think now is the appropriate time for  
4       the Court to remove the photographs from evidence  
5       and, therefore, the jury would not see them.

6               THE COURT:   The Court in making its  
7       observation, obviously, that it was bound to weigh  
8       the probative value against the inflammatory,  
9       possible inflammatory nature of the photographs  
10       indicated that the testimony had to do with,  
11       number one, the type of weapon used, and that,  
12       number two, the manner in which the argument  
13       progressed and the way in which the weapon was  
14       used against Miss Veney and ultimately Miss  
15       Johnson, the Court used the word corroborative.  
16       That was, I believe, the first point the Court  
17       made in its ruling regarding whether or not the  
18       photographs had any probative value.   I don't know  
19       that that has changed any.

20               The fact that the doctor did not  
21       reference those photographs doesn't change what  
22       the Court said regarding the testimony of the eye  
23       witnesses with respect to the manner in which the  
24       homicide occurred.

25               That being the case, that would simply

1 remove one basis. If the doctor did not utilize  
2 the photographs, that would not in any way affect  
3 the Court's rationale that the photographs,  
4 indeed, do shed light on the testimony rendered by  
5 the two eyewitnesses who were at the scene. For  
6 that reason I would deny the request on the  
7 photographs.

8 MR. TAYBACK: The other preliminary  
9 matter, Your Honor, is as follows, I intend to  
10 call in the case of the Defendant the following  
11 witnesses, that would be Joanne Blunt and Leroy  
12 Boyce. I would ask that the Court allow for me to  
13 call both of those witnesses as Court's witnesses,  
14 referring again to Patterson versus State and  
15 Scarborough versus State which I have previously  
16 cited to the Court.

17 I think that of the variety of factors  
18 that are mentioned in those cases, even though  
19 those are cases that, as the Court has previously  
20 noted, have to do with calling State's witnesses  
21 as Court's witnesses, nonetheless the language I  
22 think is clear, that the vouching for the  
23 credibility has to do with either the State or the  
24 Defendant and, therefore, I think that Mr. Rainey  
25 should be allowed to call both those witnesses as

1 Court's witnesses.

2 We can not vouch for the credibility of  
3 either one. Your Honor, there is obviously  
4 certain or there are, excuse me, certain factors  
5 which are more to the point than others. The  
6 close relationship between the witness and the  
7 Defendant, which is so often one of the keys to  
8 determining whether a witness should be called as  
9 Court's witness or not, is a factor that would  
10 seem unusual when a Defendant is attempting to  
11 call that person as the Court's witness. But I  
12 would indicate there is the existence of  
13 contradictory or inconsistent statements. There  
14 is a basic hostility. Although it is not verbal  
15 hostility, I think there is a clear indication  
16 these people are and have in the past and intend  
17 to do so in the future testify in a manner  
18 contrary to my client's interests rather than to  
19 his benefit.

20 I would also argue that their testimony  
21 is necessary as to the limited point for which I  
22 will be examining Ms. Blunt and I would severely  
23 limit my examination of her and, therefore, I  
24 would severely limit the State's cross examination  
25 of her also to this letter or card that will be in

1 evidence.

2 As to Mr. Boyce, again, the examination  
3 will be more extensive as it was in the past when  
4 we tried the case previously and, of course, the  
5 State would then have the right to cross examine  
6 him just as I am having the right to cross examine  
7 him if he is a Court's witness.

8 Therefore, I'd ask that both would be  
9 called in that regard.

10 THE COURT: Mr. Brave.

11 MR. BRAVE: If Your Honor please, the  
12 State would submit without further argument.

13 THE COURT: The State takes the position  
14 that it believes that the five factors are pretty  
15 much applicable in this case?

16 MR. BRAVE: As they apply to Mr.  
17 Rainey. The State is not in any way saying that  
18 they're not vouchable by the State. I can  
19 understand where Mr. Tayback has an arguable  
20 point.

21 THE COURT: What are you saying about  
22 Miss Blunt?

23 MR. BRAVE: Well, as far as Miss Blunt  
24 is concerned, my experience is she has been  
25 truthful with me.

1 THE COURT: You want to proffer the  
2 inconsistency in the case of Miss Blunt?

3 MR. TAYBACK: Well, as to the letter  
4 that I'm going to be introducing, Your Honor, I've  
5 had an opportunity to speak with her outside the  
6 Court and she has indicated to me that she is the  
7 one who wrote that letter, she is the one who  
8 indicated her name and return address as being  
9 Joanne Boyce and she is the one who sent it to my  
10 client on July 12, 1986. That's basically the  
11 extent of my examination of her.

12 The problem that I have is, and, quite  
13 frankly, she has indicated in her testimony  
14 various factors which I think that if I end up  
15 calling her as a defense witness I could  
16 essentially be accused of saying that she has  
17 credibility, and I am not saying that at all. I  
18 don't concede for a moment that what she has  
19 stated under oath is the truth or is correct. I  
20 am in a position where I have to call a person who  
21 basically is a State's witness.

22 If the Court were to ask for me to vouch  
23 for her credibility, which would be a basic test,  
24 I would be then vouching for her as a credible  
25 witness which I think plays essentially into the



1 State's hands. I ask that she be allowed to be  
2 called as what we have also called previously an  
3 adverse witness but to that limited extent I  
4 suspect, or I hope anyhow, that as to the  
5 questions that I ask of her, which will be only  
6 three or four, very limited in nature, that she  
7 will answer those truthfully. I hope.

8 THE COURT: Well, she doesn't really  
9 fall as neatly into the five factors as does Mr.  
10 Boyce.

11 MR. TAYBACK: No, she doesn't. Mr.  
12 Boyce, it is obviously very clear. As to her it  
13 is not so clear. But, nonetheless, what the Court  
14 would be doing would be essentially saying, well,  
15 she is being called now as a defense witness and  
16 he's vouching for her credibility. That becomes  
17 essentially the issue.

18 THE COURT: As I consider the five  
19 factors, Mr. Tayback, I'm inclined to simply to  
20 require you to go forward with her as your  
21 witness. If at some point in her testimony it  
22 becomes clear that she fits into that category,  
23 the Court may be persuaded otherwise but I am  
24 inclined to allow her to just be called as your  
25 witness.

1           Actually we talk about Court's witnesses  
2    -- rather, talk about State's witnesses, we talk  
3    about defense witnesses or Plaintiff's witnesses  
4    or Defendant's witnesses, but the fact of the  
5    matter is in pure legal nomenclature there is no  
6    such thing as a State's witness or a defense  
7    witness.

8           The theory is that every witness who is  
9    called is supposed to tell the truth. It is not  
10   until there are certain elements or certain  
11   indications that the witness, that the witness  
12   does have a relationship that would tend to make  
13   that witness skew his or her testimony that we get  
14   into this nomenclature of State's witnesses or  
15   defense witnesses for the purpose of making a  
16   determination of whether the witness should be  
17   called as a Court's witness.

18           I am aware that every witness that is  
19   called by a party, the party in essence vouches  
20   for that witness' credibility, but I'm simply  
21   saying that there is no presumption that a witness  
22   will testify favorably or adversely to a party.

23           So my ruling is that you will have to  
24   call Miss Blunt as your witness until there are  
25   indications to the Court otherwise. Mr. Boyce you

1 can call as a Court's witness.

2 MR. TAYBACK: With respect to that  
3 exhibit which I will be showing to her, which is  
4 marked as Defendant's Exhibit Number 3, that  
5 previously has been shown to the State, the State  
6 has it now, I am only going to question her on  
7 that particular letter and not go further with  
8 respect to that and, Your Honor, if the State  
9 attempts to go beyond the scope of the  
10 examination, I am going to enter objections  
11 immediately.

12 That would be the basis for any  
13 objection made and I would assume that the Court  
14 will not need us to approach the bench if that  
15 becomes the issue.

16 THE COURT: Very well.

17 MR. TAYBACK: Finally, Your Honor, stand  
18 up, Mr. Rainey.

19 THE COURT: Before you do that.  
20 Technically speaking, I think, Mr. Brave, I don't  
21 recall whether or not we did this on the record or  
22 not but I don't believe the State has rested.

23 MR. TAYBACK: State has not rested.

24 MR. BRAVE: That's right.

25 MR. TAYBACK: I was attempting to do

1 matters out of the presence of the jury so when  
2 the jury does come down the State can rest. I'll  
3 simply indicate to the Court at the bench very  
4 quickly that I am making the appropriate motions.  
5 The Court can deny that and we can proceed into  
6 the case. We have already been here since 9:45  
7 until a quarter of three with not a thing done  
8 today. So I was just trying to manouvre things  
9 along in a speedy fashion.

10 THE COURT: Go ahead.

11 MR. TAYBACK: Now, Mr. Rainey, you and I  
12 have discussed a number of times the following:  
13 You have the right to testify, you have the right  
14 to remain silent. If you elect to testify, you  
15 are subjected to what is called the direct  
16 examination by me as your attorney, to any  
17 examination or questions that the Court may have  
18 of you, and to cross examination by the State's  
19 Attorney as to anything that is material or  
20 relevant that has been brought forth in this  
21 case.

22 I would also include in this the right  
23 of the State to ask you questions concerning your  
24 past record since you were 18 years of age  
25 represented by counsel or else knowingly,

1 intelligently waived your right to counsel. You  
2 would be subjected to questions as to what are  
3 called infamous crimes, if you have been convicted  
4 of any of those, and also as to crimes of moral  
5 turpitude.

6 In the State of Maryland, an infamous  
7 crime would include manslaughter. I would  
8 indicate to you that the State is aware of your  
9 prior record in that regard, that State,  
10 therefore, would be allowed to introduce that  
11 evidence into this case in front of the jury.

12 One of the reasons that we had the  
13 mistrial in the or the second trial had to do with  
14 that information going before the jury without us  
15 having left it open for the State to bring it in  
16 properly.

17 You know that my recommendation to you  
18 is that you do not testify. If you do not  
19 testify, no inference of guilt is allowed to be  
20 taken by the jury as the fact finder in this case;  
21 and if I so chose on your behalf, His Honor would  
22 instruct in the instructions that the Judge gives  
23 at the conclusion of the evidence in the case,  
24 that the jury by law cannot consider your silence  
25 in the case as having any evidentiary value either

1       for you or against you.

2               Do you understand all of that?

3               THE DEFENDANT: I understand.

4               MR. TAYBACK: You do not have to make a  
5       decision at this time. However, I would indicate  
6       to you that if you do wish to testify, it would be  
7       after we have completed the examination of Joanne  
8       Blunt and LeRoy Boyce.

9               Do you understand that?

10              THE DEFENDANT: I understand.

11              MR. TAYBACK: If you indicate to me you  
12       do wish to testify, then you will take the stand.  
13       If I do not call you to the stand that would be  
14       because you would have indicated to me that you  
15       choose to remain silent as you did in the first  
16       case.

17              Do you understand all of that?

18              THE DEFENDANT: I understand.

19              THE COURT: Mr. Tayback, before you  
20       began that, the Court was -- the Court's thinking  
21       was that -- I'm still saying I don't have any  
22       indication, Mr. Brave, yet you have rested your  
23       case.

24              MR. BRAVE: Yes, Your Honor, as soon as  
25       I have an opportunity to move State's Exhibit 30

1 for identification, the plat, into evidence I will  
2 rest my case.

3 THE COURT: You can do that now.

4 MR. BRAVE: I formally move into  
5 evidence what has previously been marked as  
6 State's Exhibit --

7 THE COURT: You can rest it now but you  
8 can still do that in front of the jury.

9 MR. BRAVE: Very well.

10 THE COURT: Attempting to get you to  
11 rest your case before we had Mr. Tayback going  
12 through the advisement, but you are resting your  
13 case?

14 MR. BRAVE: Yes. And I am moving  
15 State's Exhibit 30 into evidence.

16 THE COURT: All right.

17 MR. TAYBACK: Your Honor, I make the  
18 appropriate motions and submit.

19 THE COURT: All right, the motion for  
20 judgment of acquittal is denied as to each and  
21 every count at this point.

22 MR. TAYBACK: We are ready, Your Honor.

23 (Whereupon, so marked in evidence.)

24 (Whereupon, the jury entered the  
25 courtroom, after which the following proceedings

1       ensued:)

2               THE COURT:   Good afternoon, ladies and  
3 gentlemen.   Again, the best laid plans of mouse  
4 and men -- I think we know all of that story.   I'm  
5 very sorry that we have been held up as long as we  
6 have.   Please accept my assurance that it has been  
7 unavoidable.

8               All right, you want to swear the  
9 witness?

10              MR. BRAVE:   Excuse me, Your Honor.  
11 Should I formally --

12              THE COURT:   Yes.

13              MR. BRAVE:   -- rest in front of the  
14 jury?

15              THE COURT:   Yes, please.

16              MR. BRAVE:   For the record, the State  
17 has rested its case.

18              THE COURT:   All right.   And you have  
19 also offered into evidence --

20              MR. BRAVE:   The plat, State's Exhibit 30  
21 for identification.

22              THE COURT:   Then before we swear the  
23 witness, ask that alternate number 3 move into the  
24 seat occupied by alternate 2, and alternate 4  
25 enter the seat of alternate 3.



1 Swear the witness.

2 JOANNE BLUNT,

3 a witness produced on call of the Defendant,  
4 having first been duly sworn, according to law,  
5 was examined and testified as follows:

6 THE CLERK: State your name and your  
7 address.

8 THE WITNESS: My name is Joanne Blunt,  
9 live 3613 Howard Park Avenue.

10 DIRECT EXAMINATION

11 BY MR. TAYBACK:

12 Q Miss Blunt, I had indicated to you that  
13 I was going to recall you to to the stand for a  
14 limited purpose and I showed you a letter or an  
15 envelope and inside it was a card. I'd ask if you  
16 would look at this at this time. It's marked as  
17 Defendant's Number 3 for identification purposes.  
18 Is that --

19 A Yes.

20 Q -- the card and the envelope that I  
21 showed you outside?

22 A Yes, it is.

23 Q Now, are you the individual who wrote  
24 this?

25 A Yes.

1           Q     Are you the individual who in the return  
2 address of this envelope noted your name as Joanne  
3 Boyce?

4           A     Yes.

5           Q     Does that refer to Leroy Boyce?

6           A     Yes, whatever is -- I always wrote my  
7 letters to him to the jail.

8           Q     Okay. This letter is postmarked July  
9 21st 1986, is that correct?

10          A     Yes.

11          Q     You wrote this letter on July 21, 1986,  
12 to whom?

13          A     To Reuben Rainey.

14          Q     And you wrote to him at the Baltimore  
15 City Jail, is that correct?

16          A     Yes.

17          Q     You are the one who also wrote the  
18 language inside the letter?

19          A     Yes, I did.

20          Q     Hi Rudy, how are you? Fine now I hope  
21 --

22          A     Yes.

23          Q     -- that you are on lockup. Is that what  
24 it is?

25          A     Yeah.

1           Q     Be good for me. Ps. I send, and then  
2     there is nothing further there. And then on the  
3     written portion of it, referring to the card,  
4     which says, I was waiting for you a long time, it  
5     finally happened and it was worth the wait. Then  
6     you wrote or was it -- Come on with the jokes. Is  
7     that right?

8           A     Right, that was a joke in the letter,  
9     yes.

10          Q     Now, you wrote that to him in a joking  
11     fashion, is that true?

12          A     Yes.

13          Q     You signed your name to the letter  
14     Joanne?

15          A     Yes.

16          Q     And whose name did you also sign to the  
17     letter?

18          A     I signed Nellie Chew's name as Bey on  
19     the letter because I was talking to her on the  
20     telephone at the time I was mailing the letters  
21     off.

22          Q     And you got her permission to sign her  
23     name --

24          A     Yes, she --

25          Q     -- as well as yours --

1           A     Yes.

2           Q     -- to the letter to Mr. Rainey?

3           A     Yes.

4           Q     Correct? I have no further questions.

5           MR. BRAVE: Mr. Tayback, when you have a  
6 chance. Thanks.

7                           CROSS EXAMINATION

8       BY MR. BRAVE:

9           Q     Miss Blunt, July 21st, just to set that  
10 date in some sort of order --

11          A     Uh-huh.

12          Q     -- this is a month and two days after  
13 Leroy Boyce and seven other people at 862 West  
14 Fayette Street got arrested?

15          A     Yes.

16          Q     This was a month and nineteen days after  
17 you were present when the Defendant Reuben Rainey  
18 blew two people's heads off?

19          A     Yes.

20          Q     How come you're on this kind of terms  
21 with that man a month and --

22          A     What do you mean?

23          Q     -- and nineteen days later?

24          A     What do you mean by on that type of  
25 terms?

1           Q     Well, you are saying to him I'm waiting  
2     for you a long time, it finally happened, and it  
3     was worth the wait, that certainly sounds  
4     friendly.

5           A     No, I was just thinking of him because I  
6     had sent him a card and I had a whole bunch of  
7     cards that I was sending LeRoy and Rudy, gave some  
8     to my sister, and that was just one of the cards.  
9     It is nothing meant by it.

10          Q     When was this letter written in  
11     relationship to the threats you received from  
12     Reuben Rainey?

13          A     I hadn't received any threats then.

14          Q     Well, you certainly talked to him on the  
15     phone at some time?

16          A     Yes, but that's -- that was before  
17     homicide came and got me or something because  
18     after homicide came and got me I don't think I  
19     wrote any more letters to no one, no letter.

20          Q     I know that ten days after you mailed  
21     this letter you went to, you were brought down to  
22     the homicide --

23          A     Yes.

24          Q     -- office and you gave them your  
25     statement?

1           A     Yes.

2           Q     And during that statement you went to  
3 the grand jury?

4           A     Right.

5           Q     And you told for the first time what  
6 happened back on Navarro Road?

7           A     Yes.

8           Q     Had you had the conversation you  
9 testified to that you had with Reuben Rainey when  
10 he said the only way the police will learn about  
11 it is through you?

12          A     Yes.

13          Q     Had that already taken place yet?

14          A     No. Not to my knowledge, no.

15          Q     Well, it still doesn't change the fact  
16 that you're writing to a man who you saw put a gun  
17 to a woman's head, count to three and blew her  
18 head off?

19          A     No, the whole idea, the whole thing was  
20 my sister wanted me to give him that card. Said  
21 why don't you write Rudy a card because she had  
22 about five or six of them, whatever, that she was  
23 giving to him and she sent one to Poppy and I sent  
24 one to Rudy and I was talking to Nellie Chew on  
25 the phone at the time. She said, you think that

1 would be a good idea, that he -- I said, yeah, he  
2 don't think we will tell on him, I said, then she  
3 says sign my name, I said fine.

4 Q The sister you are referring to?

5 A Deborah Blunt.

6 Q The one who was romantically involved  
7 with the Defendant?

8 A Yes.

9 Q Why didn't you tell your sister, you  
10 write him, I don't want anything to do with this  
11 man?

12 A Because I haven't went to the grand jury  
13 yet. I haven't even talked to them yet so I  
14 didn't know, I didn't know if they have -- was out  
15 to get me, whatever. He just told me you don't  
16 say nothing, you, you don't know nothing.

17 Q Truth of the matter is that the women  
18 were dead?

19 A Yes.

20 Q Life went on?

21 A Yes.

22 Q Reuben Rainey stayed with Leroy Boyce as  
23 his protector and took his orders?

24 A Yes.

25 Q And amongst this group no one yet had

1 any reason to be protecting against that murder  
2 yet?

3 A Excuse me. Yes.

4 Q I have nothing further, Your Honor.

5 REDIRECT EXAMINATION

6 BY MR. TAYBACK:

7 Q Miss Boyce, excuse me, Miss Blunt --

8 A Yes.

9 Q -- you wrote this letter to the same  
10 person that you claim you saw kill two people in  
11 cold blood --

12 A Yes.

13 Q -- right? Wrote this letter to the same  
14 person you claim threatened you in the car as you  
15 drove away from the murder scene --

16 A Yes.

17 Q -- right? You wrote this letter to the  
18 same person that you thought was crazy and was  
19 going to kill you?

20 A Yes.

21 Q You wrote this letter to the same person  
22 who then laughed about the murders when he was  
23 with Poppy --

24 A Yes.

25 Q -- and you on Greenmount Avenue?



1           A     Yes.

2           Q     And you, of course, between June 21,  
3     1986 and July 21st 1986 didn't distance yourself  
4     from this madman killer?

5           A     No, that was just to let him know that I  
6     wasn't going to tell.

7           Q     Sure it was.

8           A     That's all the letter was for.

9           Q     Yes. I understand that.

10          A     Yes.

11          Q     Of course, you would write your name as  
12     Joanne Boyce, wouldn't you?

13          A     Yes.

14          Q     You would write to him and say keep up  
15     with the jokes, especially to somebody who has got  
16     such a good sense of humor, isn't that right?

17          A     To keep up with the jokes?

18          Q     Well, excuse me, you said come on with  
19     the jokes?

20          A     Yeah, come on with the jokes.

21          Q     Of course, you and Bey who would be the  
22     other woman who --

23                 MR. BRAVE: Your Honor, I'm going to  
24     finally interpose an objection to the forms of  
25     these questions. It is, after all, Mr. --

1 THE COURT: Sustained.

2 Q You and Bey are the names on the card?

3 A Yes.

4 Q Is that right? I have no further  
5 questions.

6 MR. BRAVE: Nothing further.

7 THE COURT: You may step down.

8 MR. TAYBACK: Your Honor, I would move  
9 to introduce this as Defendant's Exhibit Number 3  
10 for evidence.

11 THE COURT: Very well.

12 (Whereupon, so marked in evidence.)

13 MR. TAYBACK: Your Honor, I'd call Leroy  
14 Boyce, wherever he is.

15 MR. BRAVE: Mr. Boyce, would you stand  
16 right there please?

17 MR. TAYBACK: Your Honor, I have  
18 requested that the Court would allow me to call  
19 this witness, individual as a Court's witness.

20 THE COURT: Very well.

21 MR. TAYBACK: Does the Court wish to  
22 indicate to the jury what that entails at this  
23 time?

24 THE COURT: I'll reserve that for my  
25 instructions.

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LEROY BOYCE,

a witness produced as a Court's witness, having first been duly sworn, according to law, was examined and testified as follows:

THE CLERK: State your full name and present address.

THE WITNESS: Name is Leroy Boyce, live at 430 West 125th Street, New York, New York.

DIRECT EXAMINATION

BY MR. TAYBACK:

Q Mr. Boyce --

A Yes, sir.

Q -- when I spoke with you late last night at the Anne Arundel County Detention Center you had not wanted to discuss the case with me until such time as you had had an opportunity to speak with your attorney, Mr. Quisgard?

A Yes, sir.

Q Have you now had that opportunity?

A Yes, sir.

Q Mr. Quisgard is right here?

A Yes, sir.

Q And you are satisfied now to answer questions in the case?

A Yes, sir.

1           Q     Now, Mr. Boyce, is it correct that  
2     between, oh, approximately sometime in the early  
3     afternoon until very close to the present time  
4     that you through your attorney have been  
5     negotiating with the City State's Attorney for a  
6     deal, another deal for you?

7           A     Yes, sir.

8           Q     Now, prior to today you had had a deal  
9     with the State's Attorney, Mr. Brave, Mr. Murphy  
10    and that office, is that correct?

11          A     Yes, sir.

12          Q     That deal was for you to testify in this  
13    case, to testify truthfully in this case?

14          A     Yes, sir.

15          Q     Correct? In return for that the State  
16    would essentially take your side and you would end  
17    up or at least you thought you were going to end  
18    up with either a dismissal or probation out of  
19    this case?

20          A     What you mean?

21          Q     You thought you were going to end up  
22    with either a dismissal or probation out of your  
23    drug case?

24          A     They told me that I was going to end up  
25    with a, with probation or, you know --

1           Q     You will have to speak a little bit  
2     louder, more clearly.

3           A     Mr. Quisgard and the State Attorney told  
4     me that they would not give me probation.

5           Q     They won't do it now?

6           A     They will not.

7           Q     Yes, I understand.

8           A     Huh.

9           Q     You -- I'm saying prior to that, that  
10    was your first deal with the State, wasn't it?

11          A     Yes, sir.

12          Q     And you testified for the State in this  
13    case, as a matter of fact, April 13th, April 14th  
14    and April 15th, 1987, isn't that true?

15          A     Yes, sir.

16          Q     You were called by the State's Attorney  
17    as his witness?

18          A     Yes, sir.

19          Q     He said you are going to tell the truth?

20          A     Yes, sir.

21          Q     As a matter of fact, you took the same  
22    oath that you took right now, didn't you?

23          A     Yes, sir.

24          Q     Tell the truth, the whole truth and  
25    nothing but the truth, under the threat of the

1 penalty of perjury?

2 A Yes, sir.

3 Q You lied, didn't you?

4 A Well, I did but I would like to explain  
5 it.

6 Q Go ahead.

7 A I never talked to a lawyer or anybody  
8 before, before I testified in the case and what I  
9 was going to -- all this part of lying in the case  
10 is about Reubin Rainey's coming into the State of  
11 Maryland and about him having possession of the  
12 gun.

13 Q Well, we will get into that but --

14 A So.

15 Q -- the point is you didn't tell the  
16 whole truth, did you?

17 A No.

18 Q Certainly didn't tell nothing but the  
19 truth, did you?

20 A Excuse me?

21 Q You certainly didn't tell nothing but  
22 the truth, did you? You told the jury in that  
23 case under oath lies?

24 A No, I did not tell them everything lies.

25 Q You indicated, for example, you had

1        never seen the gun before, isn't that true?

2            A        No, sir.

3            Q        It is not true. Now, as a matter of

4        fact, the gun which is State's Exhibit 1 I believe

5        in this case -- may I have that please? I'll hold

6        onto the gun, Mr. Boyce, but this particular gun,

7        whose gun is this?

8            A        It used to be my gun, sir.

9            Q        It used to be your gun?

10          A        Yes, sir.

11          Q        Well, are you the one ended up getting

12        this gun as a street gun? You purchased it on the

13        street or had somebody purchase it for you on the

14        street, is that correct?

15          A        I purchased it on the street, sir.

16          Q        This is a stolen gun, isn't it?

17          A        I don't know if it was stolen gun or

18        not, sir.

19          Q        You didn't buy it from a gun shop, did

20        you?

21          A        No, sir.

22          Q        Bought it from some guy on the street?

23          A        Yes, sir.

24          Q        How much did you pay for it, do you

25        remember?

1           A       Sixteen of cocaine.

2           Q       You transfered some cocaine to the  
3 individual and in return you got that gun. When  
4 did you get that gun?

5           A       Maybe -- I can't remember the exact  
6 month but like maybe February, February or late  
7 January.

8           THE COURT: Excuse me, Mr. Tayback, let  
9 me interrupt you just one second. I have an  
10 urgent message from Judge Ward. Everyone remain  
11 seated please.

12                   (Pause.)

13           THE COURT: All right, Mr. Tayback.

14           MR. TAYBACK: Thank you, Your Honor.

15           Q       Mr. Boyce, I noticed when we had the  
16 break that you had wished to speak with your  
17 attorney. Do you need to do so at the present  
18 time?

19           A       No, I wanted to ask --

20           Q       You have the opportunity to speak with  
21 him if you want to.

22           A       I wanted to ask him a question about the  
23 case.

24           Q       That's what I'm saying?

25           A       Not about this case, about my drug



1 case.

2 Q If you wish to ask him a question which  
3 might in any way have to do with your testimony or  
4 otherwise, just let me know and the Court will so  
5 allow you to speak with him.

6 A I wanted to ask him, yes.

7 Q Does the Court want to let him clarify  
8 whatever the point is with Mr. Quisgard?

9 THE COURT: I'll leave it to Mr.  
10 Quisgard and to the witness as to whether or not  
11 it is necessary for you to move off in private.  
12 If it can be dealt with right here, Mr. Quisgard,  
13 I would ask that you deal with it right while he's  
14 on the stand.

15 MR. QUISGARD: Yes.

16 (Whereupon, Mr. Quisgard and the witness  
17 had a private discussion off the record.)

18 BY MR. TAYBACK:

19 Q All set, Mr. Boyce?

20 A Yes, sir.

21 Q Mr. Boyce --

22 A Yes, sir.

23 Q -- subsequent, that's after, the dates  
24 April 13th, through the 15th of 1987 --

25 A Yes, sir.

1           Q     -- the State's Attorney basically  
2 decided not to go ahead with the deal with you,  
3 isn't that true?

4           A     Yes, sir.

5           Q     That's because you lied on the stand,  
6 isn't that true?

7           A     Am, can I say like this way, that I did  
8 not tell the Court the reason why Reuben Rainey  
9 had came down to the State of Maryland.

10          Q     In response to my question, though, was  
11 my question correct or incorrect? The reason that  
12 the State backed off on its plea bargain deal with  
13 you was because you lied on the stand, true or  
14 false?

15          A     The State said that I only told them  
16 ninety percent of the truth.

17          Q     So, now, today, you are back here again  
18 to what, tell the truth again?

19          A     Yes, sir.

20          Q     And you have taken the same oath again?

21          A     Yes, sir.

22          Q     Now, you have another plea bargain with  
23 the State, is that correct?

24          A     Yes, sir.

25          Q     Now, this time you could get up to

1 twelve years in prison, is that right?

2 A Yes, sir.

3 Q And is the State still going to speak on  
4 your behalf with respect to New Jersey?

5 A Yes, sir.

6 Q So State is still going to speak on your  
7 behalf with respect to Judge Johnson and your  
8 violation of probation?

9 A Yes, sir.

10 Q Is the State still going to speak on  
11 your behalf with respect to the federal people at  
12 the Alcohol, Tobacco and Firearms?

13 A I don't know nothing about that, sir.

14 Q You don't know nothing about that?

15 A No, sir.

16 Q So that's your situation at the present  
17 time?

18 A Yes, sir.

19 Q Right. Now, previously you indicated  
20 that Reuben Rainey had come down to Baltimore on  
21 Friday, May 30th, with Joanne Blunt?

22 A Yes, sir.

23 Q That that was a surprise to you when you  
24 saw him in Baltimore, was that correct?

25 A Yes, sir.

1           Q     Had you previously indicated that you  
2     had not known where the gun had come from but it  
3     had to be his from New York, is that correct?

4           A     No, sir.

5           MR. BRAVE:   Objection.   May I have a  
6     reference to that?

7           MR. TAYBACK:   I'm sorry, what  
8     reference?

9           MR. BRAVE:   Reference to that.

10          MR. TAYBACK:   As to what?

11          MR. BRAVE:   To the portion of the  
12     testimony you just quoted.

13          MR. TAYBACK:   I've got three  
14     transcripts.

15          Q     Mr. Boyce --

16          A     Yes, sir.

17          Q     -- you were up in New York Friday, May  
18     30th?

19          A     Yes, sir.

20          Q     You were up there to buy drugs?

21          A     Yes, sir.

22          Q     Joanne Blunt and Nellie Chew were there  
23     with you?

24          A     Yes, sir.

25          Q     Joanne Blunt was to carry the drugs back

1 to Baltimore?

2 A Yes, sir.

3 Q You were going to separate from her and  
4 go with Nellie Chew in the car?

5 A Yes, sir.

6 Q Joanne Blunt was going to take the  
7 train?

8 A Yes, sir.

9 Q What's the reason for that?

10 A For Joanne to bring the drugs for me  
11 into the State of Maryland.

12 Q Why, why would she be the one to bring  
13 the drugs for you?

14 A Because it is safer to bring drugs from  
15 New York into, into the State of Maryland by the  
16 train.

17 Q Well, it is safer for whom, you?

18 A For anyone carrying narcotic from, from  
19 the State of New York into Maryland or any other  
20 State, it is safer for them to get to the train or  
21 the bus, excuse me, and not to use the highways.

22 Q What's the reason that you used women to  
23 bring your drugs back and forth from New York down  
24 to Maryland?

25 A It is no special reasoning for women to

1 bring the drugs.

2 Q You remember previously that there was a  
3 special reason?

4 A Most women, like if, if the police, if  
5 you are and the ladies together and the police  
6 stop you, most likely they will not search the  
7 woman and --

8 Q So, in other words, it is safer for you  
9 in your drug trade and your drug operation that --  
10 the other thing, of course, is that if you get  
11 stopped and the woman has the drugs, who is more  
12 likely than not to go down on the drugs or the  
13 charge?

14 It would be the woman rather than you,  
15 isn't that right?

16 A Yes. Yes, sir.

17 Q So you get to shift the weight?

18 A Yes, sir.

19 Q Now, you then told us that you went off  
20 to some place on the New Jersey Turnpike and  
21 stayed with Nellie Chew for awhile?

22 A Yes, sir.

23 Q And that Nellie Chew and you then  
24 proceeded down to Baltimore by car and you had  
25 gotten to Baltimore on Saturday?

1           A     Yes, sir.

2           Q     By that time Joanne Blunt was already  
3 here with the drugs?

4           A     Yes, sir.

5           Q     Now, how much or how far or what sort of  
6 amount of drugs are we talking about?

7           A     I think it was a --- over, I think it  
8 was over ten ounces.

9           Q     Of cocaine?

10          A     Of cocaine, sir.

11          Q     How much would each ounce be worth on  
12 the street, if you know?

13          A     In the streets of Maryland?

14          Q     Yes.

15          A     Some people pay three thousand dollars  
16 for it, some people pay twenty-four hundred.

17          Q     So if it were more than ten ounces, at a  
18 bottom figure that would be twenty-four thousand  
19 dollars; top figure would be over thirty thousand  
20 dollars, is that right?

21          A     Yes, sir.

22          Q     So you had a lot of cocaine?

23          A     Yes. I know it was more than ten  
24 ounces.

25          Q     More than ten ounces?

1           A     Yes, sir.

2           Q     So you had that and that was where, at  
3     Manchester Avenue?

4           A     Joanne had it with her.

5           Q     And you met up with her at Manchester  
6     Avenue?

7           A     Yes, sir.

8           Q     Now, prior to leaving New York, however,  
9     had you been at 356 West 121st Street?

10          A     356? Say the question again.

11          Q     356 West 121st Street, Manhattan, New  
12     York?

13          A     If I have been there before?

14          Q     Or had you been there Friday, May 30th?

15          A     Yes, sir.

16          Q     And, as a matter of fact, did you leave,  
17     according to your testimony, Joanne Blunt and  
18     Nellie Chew there while you went off to get your  
19     drugs?

20          A     Yes, sir.

21          Q     And you went off to 107th Street to get  
22     your drugs?

23          A     Yes, sir.

24          Q     And you met with an individual by the  
25     name of Coochie, is that right?



1           A     Yes, sir.

2           Q     Now, would you describe Coochie as a man  
3 or a woman?

4           A     A man, sir.

5           Q     And this particular Coochie is your drug  
6 dealer, is that correct?

7           A     That's who I get the drugs from, sir.

8           Q     If I asked you whether you knew a person  
9 by name of Troy, would your answer be yes or would  
10 your answer be no?

11          A     Yes, sir.

12          Q     And Troy you happen to know through 356  
13 West 121st Street, don't you?

14          A     No, sir.

15          Q     Well, you know he lives there, don't  
16 you?

17          A     No, sir. I know Troy, Troy live 121st  
18 Street, sir, but I met him there -- I did not meet  
19 Troy -- when I meet -- the first time I met Troy I  
20 did not meet him at West 121st Street.

21          Q     Well, you have met him subsequently  
22 there and you knew that as his address, didn't  
23 you?

24          A     I know he live there.

25          Q     You knew he was a drug dealer, didn't

1       you?

2           A       No, he not a drug dealer, sir.

3           Q       You knew his brother Wayne, for example,

4       didn't you?

5           A       Wayne is a drug dealer.

6           Q       And Wayne is the drug dealer who works

7       for a large scale operation up in New York, true?

8           A       Yes, sir.

9           Q       You knew that, didn't you?

10          A       Yes, sir.

11          Q       As a matter of fact, you were having an

12       affair with Wayne's girlfriend, weren't you?

13          A       Yes, sir.

14          Q       Now, Mr. Boyce --

15          A       Yes, sir.

16          Q       -- you are saying that you bought these

17       drugs approximately street value in Maryland

18       twenty-four to thirty thousand dollars plus up in

19       New York from Coochie on 107th Street, that you

20       then what, went back to 356 West 121st Street with

21       the drugs in your possession?

22          A       After I bought the drugs?

23          Q       Yes, sir.

24          A       Yes, sir.

25          Q       You picked up Joanne there?

1           A     Yes, sir.

2           Q     You picked up Nellie there?

3           A     Yes, sir.

4           Q     And met Reuben Rainey there?

5           A     Yes, sir. He wasn't there when I left.

6     He was there when I left to go get the drugs.

7           Q     Anyhow, you met him there?

8           A     Yeah.

9           Q     Then you sent Joanne on her way, in

10    what, a cab?

11          A     Yes, sir.

12          Q     She ended up on the train with Mr.

13    Rainey, is that correct, Reuben Rainey? She ended

14    up in the cab with Reuben Rainey, is that what you

15    are telling us?

16          A     They left together.

17          Q     And then you are saying that they took

18    the train down to Baltimore?

19          A     Yes, sir.

20          Q     And they ended up on Manchester Avenue

21    in Baltimore?

22          A     Yes, sir.

23          Q     Had Mr. Rainey been down in Baltimore

24    before?

25          A     No, sir, not to my knowledge.

1           Q     You hadn't seen him there before, had  
2     you?  
3           A     Excuse me.  
4           Q     You hadn't seen him there before, had  
5     you?  
6           A     In Manchester Avenue or Maryland, no.  
7           Q     Now, with respect to Manchester Avenue,  
8     somehow or the other you eventually get there.  
9     Whose car did you have, by the way?  
10          A     I had Jeanette Brown's car.  
11          Q     Jeanette Brown who is the cousin of  
12     Deborah Veney?  
13          A     Yes, sir.  
14          Q     Had her car?  
15          A     Yes, sir.  
16          Q     You came down with Nellie Chew who lives  
17     at 862 West Fayette Street?  
18          A     She live at 862 West Fayette Street.  
19          Q     And you met up with all these people.  
20     What did you do with the drugs? This would be  
21     Saturday sometime, which would be May 31st, 1986?  
22          A     We sit there, we got high.  
23          Q     Well, did you give cocaine to everybody  
24     who wanted it?  
25          A     Yeah.

1           Q     Because you are pretty nice that way,  
2     aren't you?

3           A     Yes.

4           Q     And you gave anybody who needed some  
5     money. You give them some money?

6           A     Yeah.

7           Q     Okay. You are a pretty nice guy, right?

8           A     Yeah.

9           Q     Then somehow or the other you end up  
10    over on Greenmount Avenue, is that correct?

11          A     Yes, sir.

12          Q     Now, when was it that you went from  
13    Manchester Avenue to Greenmount Avenue?

14          A     Oh, 11 o'clock Saturday night.

15          Q     Saturday night?

16          A     Yes. Maybe could be after 11 Saturday  
17    night because the people I went to on Greenmount  
18    and Oakland -- I went Oakland Avenue off of  
19    Greenmount Street -- Avenue, Oakland Street off of  
20    Greenmount Avenue but the people weren't there.  
21    They don't get off work until 10:30 and don't get  
22    home until maybe after 11. I went, I went there  
23    with -- the girl was there when I get there.

24          Q     So, you're at Manchester Avenue what,  
25    all day on Saturday, is that correct?

1           A     Yes, sir.

2           Q     Joanne Blunt is there?

3           A     Yes, sir.

4           Q     Nellie Chew is there?

5           A     Yes.

6           Q     Denise Coleman who lives at Manchester

7     Avenue, I guess she's there, right?

8           A     Yes, sir.

9           Q     Reuben Rainey is there?

10          A     Yes, sir.

11          Q     And how about Rerun and Bus Driver and

12     all those characters, are they all there?

13          A     Rerun, excuse me?

14          Q     Rerun, Bus Driver, I don't know what

15     other nicknames, got a whole lot of them in this

16     case, are they there also?

17          A     Yes, sir.

18          Q     With respect to Saturday, it passes,

19     it's approximately 11:30 in the evening and you

20     head on out to Greenmount Avenue. Who lives

21     there, Robin Robinson?

22          A     Yes, sir.

23          Q     How do you get over there?

24          A     We drove over there.

25          Q     When you say we, who is we?

1           A       Me, Nellie Chew, Joanne Blunt and Reuben  
2 Rainey.

3           Q       So all of you are driving over there, is  
4 that correct?

5           A       Yes, sir.

6           Q       It is not just Nellie Chew taking you  
7 over there?

8           A       Nellie Chew, I think Nellie Chew drove  
9 the car over there but all of us was in the car,  
10 me, Nellie Chew, Joanne Blunt and Reuben Rainey.

11          Q       Then you are all over there. Now, what  
12 did you do with this cocaine? You had at least  
13 ten ounces of cocaine. Obviously been having a  
14 little bit of fun with it Saturday but you still  
15 have an awful lot left. What did you do with it?

16          A       I took it with me.

17          Q       So you had it?

18          A       No, like when we left in the car, Joanne  
19 had it. Like Joanne had a package, right, and we  
20 left and went to Oakland Avenue and picked up  
21 Robin Robinson. We left from Oakland Avenue and  
22 went to Greenmount Avenue. Joanne still had the  
23 coke in her possession then. Then get out of the  
24 car, I took the coke with me and went into Robin's  
25 house.

1           Q     Did you leave any coke with Joanne  
2     Blunt?  
3           A     Yeah, I give everybody a hit.  
4           Q     So when you say gave everybody a hit, do  
5     you mean you gave them some sort of supply?  
6           A     No, like, you know, some to get high  
7     with.  
8           Q     Something to get high with?  
9           A     Yeah, a hit.  
10          Q     Also give any of them money?  
11          A     Yeah.  
12          Q     Who did you give money to?  
13          A     I give money to Joanne, money to Rudy, I  
14     give money to Bey, I give money to Coco, I give  
15     money to all them before I left. Before I -- that  
16     was before I left the house on Manchester Avenue.  
17          Q     You gave everybody a supply, is that  
18     right?  
19          A     Yeah, couple of dollars.  
20          Q     And you gave everybody some money as  
21     well?  
22          A     Yes. No, not supply. When say a  
23     supply, you saying like I, saying like I give them  
24     a supply to sell or something like that. Not to  
25     sell or nothing.



1 Q To use?

2 A Just for the personal use.

3 Q And then you go off to Greenmount  
4 Avenue. What was the reason that you went off to  
5 Greenmount Avenue?

6 A I was tired.

7 Q Well, are you the person who has houses,  
8 let's see, Labrynth Road, which would be Miss  
9 Brown, you've got --

10 MR. BRAVE: Objection, Your Honor.

11 MR. TAYBACK: Okay. I didn't hear an  
12 answer to the question. I withdraw that then.

13 Q What's the address of Miss Brown, if you  
14 know, Jeanette Brown?

15 A I don't know, sir.

16 Q If I told you Labrynth Road, would you  
17 agree with that?

18 A No, I don't know the address.

19 Q You wouldn't agree with that? I know  
20 you have been to her apartment and used her  
21 apartment for your drug purposes.

22 A I never use her apartment for no drug  
23 purposes.

24 Q What did you use it for?

25 A I went there with her.

1 Q Just to use it with her?  
2 A Yeah.  
3 Q But you have been there, is that right?  
4 A Yeah.  
5 Q So could have rested there if you wanted  
6 to?  
7 A Excuse me?  
8 Q You certainly could have rested there if  
9 you wanted to?  
10 A Yes, sir.  
11 Q How about 862 West Fayette Street?  
12 A Yes, sir.  
13 Q 3735 Manchester Avenue?  
14 A Yes, sir.  
15 Q Quality Motel?  
16 A Yes, sir.  
17 Q How about the kind of hidden apartment  
18 over on Lawrence Street in East Baltimore?  
19 A We didn't have that apartment at the  
20 time then.  
21 Q You and Joanne Blunt did not have that  
22 apartment?  
23 A At that time did give up the apartment.  
24 Q You gave it up?  
25 A Joanne had gave up the apartment.

1 Q When had she given that up?

2 A I was the one paying the rent and --

3 Q I know that.

4 A -- I did not pay the rent for that

5 month.

6 Q So you just gave it up right before --

7 A Yeah.

8 Q -- but now you went over -- end up over

9 on Greenmount Avenue because you are tired?

10 A Yes, sir.

11 Q You had brought these drugs down from

12 New York?

13 A Yes, sir.

14 Q And you had to distribute them. That's

15 your source of income, isn't it?

16 A Distribute them?

17 Q The cocaine.

18 A To sell it?

19 Q Yes.

20 A Yeah.

21 Q And yet you had to go over there to

22 rest?

23 A Yeah, I wanted to rest.

24 Q You wanted to rest the whole weekend?

25 A Wanted to rest and lay up with Robin.

1           Q     You wanted to go over your girlfriend  
2 Robin's?  
3           A     Yeah, I wanted to be with her.  
4           Q     According to your testimony, let's see,  
5 Joanne Blunt would know where you were?  
6           A     Yes, sir.  
7           Q     Nellie Chew would know where you are?  
8           A     Yes, sir.  
9           Q     Reuben Rainey would know where you were?  
10          A     Yes, sir.  
11          Q     Did you tell everybody else at  
12 Manchester Avenue where you were going?  
13          A     No, I didn't. No.  
14          Q     If people needed to get in touch, was  
15 there a way to get in touch with you over there?  
16          A     Only if they come to the house. Didn't  
17 have no phone or anything there.  
18          Q     Only what?  
19          A     Only if they came to the house. They  
20 didn't have any phone or anything in the house and  
21 I did not want to sell, to work, to have to be  
22 selling nothing at that time.  
23          Q     If they wanted anything from you such as  
24 money or drugs, they would go over to the  
25 Greenmount Avenue address, is that correct?

1           A     Yes, sir.

2           Q     So that's the situation. That's

3 approximately close to midnight on Saturday night

4 which would be May 31st?

5           A     Yes, after midnight.

6           Q     After midnight?

7           A     Yes, sir.

8           Q     So then we are into the very early

9 morning hours of June 1st, is that right?

10          A     Yes, sir.

11          Q     Now, you then have no contact with any

12 members of your group until Monday morning, is

13 that your testimony?

14          A     Yes, sir.

15          Q     You are just kind of shackled up, so to

16 speak, over at Greenmount Avenue having nothing to

17 do with anybody and nobody is having anything to

18 do with you?

19          A     Yes, sir.

20          Q     Of course, you have got all the drugs

21 over there?

22          A     Yes.

23          Q     And you have got the money over there?

24          A     Yes, sir.

25          Q     Now, you hadn't given any money to

1 Deborah Veney this particular time, had you?

2 A I haven't seen Debbie Veney.

3 Q You hadn't give her any yet, is that  
4 what you are saying?

5 A I didn't seen her.

6 Q You hadn't given her any drugs, is that  
7 correct?

8 A Deborah Veney don't sell no drugs for  
9 me.

10 Q She didn't sell any for you?

11 A No, sir.

12 Q Is this different than what you told us  
13 the last time?

14 A She never sold no drugs for me. She buy  
15 drugs from me. She never bought -- she never sell  
16 to -- drugs to -- for me.

17 Q Did you use her house at 4711 Navarro  
18 Road?

19 A To bag drugs, yes.

20 Q You would use -- that was one of these  
21 houses where you would go every couple of days to  
22 avoid the police, isn't that right?

23 A No, sir.

24 Q You wouldn't do that?

25 A I did not. I never used her house to

1       avoid the police for couple of days.

2               Q       It was everybody else's house but hers,  
3       right?

4               A       No, sir. I never used Joanne Blunt  
5       house to avoid police.

6               Q       Joanne Blunt's parent's house?

7               A       No. Joanne Blunt, the house on east  
8       side?

9               Q       The secret one on Lawrence Street?

10              A       Yeah.

11              Q       Didn't use that either?

12              A       No.

13              Q       That was just there?

14              A       Yes.

15              Q       So, that is your situation. Now you  
16       have got a large amount of drugs. I guess you  
17       have a large amount of cash, don't you?

18              A       Yeah, I had some money on me. Yes, sir.

19              Q       You got a sore nose, correct?

20              A       Yes, sir.

21              Q       And you are doing whatever you are doing  
22       for your nose. You didn't go to a doctor or  
23       anything like that, did you?

24              A       Yes, sir.

25              Q       You did go to a doctor?

1           A     Yes, sir.

2           Q     When was that?

3           A     Went to the Doctor in April, in April I  
4     been to the doctor. I think would be doctor  
5     around April 4th. I been to the doctor.

6           Q     So April 4th you go to the doctor but  
7     somehow or other on June 1st you got to lay up at  
8     Greenmount Avenue because your nose is hurting?

9           A     I said my nose was hurting, I lay up on  
10    Greenmount Avenue?

11          Q     That had nothing to do with it?

12          A     No, I did not say that. I said that I  
13    just wanted to be with Robin Robinson.

14          Q     So anybody who thinks you had a problem  
15    with your nose, that's why you were over there, is  
16    wrong, is that correct?

17          A     Yes.

18          Q     You just wanted to be over there with  
19    Robin?

20          A     Yeah.

21          Q     You got all your drugs and money with  
22    you?

23          A     Yes, sir.

24          Q     Then the next thing that you know people  
25    are bursting in and you are sleeping, is that



1 correct?

2 A Monday morning, yes.

3 Q And you are sleeping there and they are  
4 bursting in telling you about a murder or a double  
5 homicide that has just occurred?

6 A Yes, sir.

7 Q And somehow or the other it occurs with  
8 your gun?

9 A Yes, sir.

10 Q While you happen to have yourself hide  
11 away on Greenmount Avenue?

12 A Yes, sir.

13 Q To a person who you had a fairly good  
14 connection to, Deborah Veney?

15 A Yes, sir.

16 Q As a matter of fact, you had a  
17 relationship with Deborah Veney that had to do not  
18 only with a personal relationship but you also had  
19 a drug involvement relationship with her, didn't  
20 you?

21 A No, sir.

22 Q And -- Well, let's find out about that  
23 then. Aren't you the same individual who got into  
24 a fight with her about a week before she got  
25 killed?

1           A     Yes, sir.

2           Q     And that fight was over what? That

3 fight was over what?

4           A     Over a cousin.

5           Q     Jeanette Brown?

6           A     Yes, sir.

7           Q     You say that she and you got into a

8 fight and she scratched you up, is that right?

9           A     Yes, sir.

10          Q     As a matter of fact, you told the woman

11 by name of Deborah Lowe you would take care of it,

12 didn't you?

13          A     No, sir.

14          Q     Deborah Lowe is Boosting Debbie to you?

15          A     Yes, sir.

16          Q     Boosting Debbie is the one who

17 contronted you about the scratches on your face or

18 wherever the scratches were on you?

19          A     Yes, sir.

20          Q     Isn't that true?

21          A     She asked me about the scratch, yes,

22 sir.

23          Q     Didn't you tell her that you had gotten

24 those from California Debbie?

25          A     Yes, sir.

1 Q California Debbie is Deborah Veney?

2 A Yes, sir.

3 Q And didn't Deborah Lowe who is Boosting

4 Debbie volunteer to take care of her for you?

5 A No, sir.

6 Q She didn't. What words did she use

7 while you were there?

8 A She only say the girl is crazy. She

9 never said --

10 Q The girl is crazy?

11 A Yeah. She never said that she would do

12 anything for me or, or do nothing to nobody for

13 me.

14 Q Now, you are the same person who, of

15 course, later while you were incarcerated

16 supposedly is involved in a conversation with

17 Robin Robinson -- Robert, Robert Robinson, Bobbie

18 Bird as you know him?

19 A Uh-huh.

20 Q Whereby you indicate other problems that

21 you had with Deborah Veney, is that true or not?

22 A Say the question again, sir.

23 Q Did you ever indicate to Robert Robinson

24 that you had had problems with Deborah Veney and

25 Deborah Veney's family?

1           A     No, sir.

2           Q     Never said anything about Deborah

3           Veney's mother going to call the police on you?

4           A     No, sir.

5           Q     So you never said that at all?

6           A     No, sir.

7           Q     So Robert Robinson would be incorrect?

8           A     Yes, sir.

9           Q     How about an incident involving you and

10          a handgun and Deborah Veney and a person who comes

11          to the house at 862 West Fayette Street?

12          A     Yes, sir, got --

13          Q     Oh, that did happen?

14          A     It did happen.

15          Q     So we have got that one, and we got the

16          scratches, we just don't have the other, is that

17          right?

18          A     Yes, sir.

19          Q     All of this is happening in a period of

20          time of either a week or longer than a week before

21          the murder of Deborah Veney?

22          A     Yes, sir.

23          Q     And the murder occurs with your gun?

24          A     Yes, sir.

25          Q     While you have a convenient alibi of

1       being over shackled up with a Robin Robinson?

2           A       Yes, sir.

3           Q       Now, then, for whatever reasons, the  
4       people who are your associates don't bother to  
5       come to you on Sunday, they don't bother to come  
6       to you on Monday morning when they need drugs or  
7       money, but they come to you immediately after two  
8       murders have occurred to tell you all about it, is  
9       that right?

10          A       Yes, sir.

11          Q       Your story is that they come in and you  
12       are sleeping. You weren't sick, though, you were  
13       just sleeping, is that right?

14                 You don't remember telling us previously  
15       about having to take codeine and that sort of  
16       stuff?

17          A       I will try to explain like this.

18          Q       Why don't you explain.

19          A       The nose bothers me because I have an  
20       abscess in my nose at the time, understand? I was  
21       taking codeine also. I was taking codeine for two  
22       purposes. I was taking the codeine because I was  
23       so high. The codeine is an -- it is a pill that  
24       bring you down. I was so high, that make you  
25       drop. I was taking the codeine for that reason,

1 to come down, and for the abscess in my nose.

2 Q So you were over there and you are  
3 sleeping?

4 A Yes, sir.

5 Q The people come in to boast to you or  
6 brag to you or tell you, do whatever they are  
7 going to do about this situation, is that right,  
8 that occurred to Deborah Veney at 4711 Navarro  
9 Road, and a person named Peaches?

10 A Yes, sir.

11 Q Of course, at that time what do you do?

12 A I get up.

13 Q You get up?

14 A Went to the bathroom.

15 Q Do anything else?

16 A I spoke to Reuben Rainey.

17 Q You said, you're crazy, get out of here,  
18 right?

19 A Not like that. You know, we spoke, he  
20 explained to me what happened.

21 Q And that was that, I guess, is that  
22 right?

23 A After we left, yeah, that was that.

24 Q What happened, did you leave all in the  
25 same car?

1           A       No. I can't -- I cannot remember if we  
2 all left in the same car. We did not leave in the  
3 same because Reuben Rudy didn't go with us. Rudy  
4 didn't go with us.

5           Q       So the rest of you go one place and you  
6 go some place else?

7           A       We went to Manchester Avenue from  
8 Greenmount Avenue. Me, me, Bey and Joanne went to  
9 Manchester Avenue when we left Robin's sister  
10 house.

11          Q       He went elsewhere?

12          A       Yeah, he went.

13          Q       And, let me guess, did you give him some  
14 money so he could go elsewhere?

15          A       Yes, sir.

16          Q       So, again, you are being the nice guy  
17 about it even after this person has just killed  
18 two people with your gun, a person, as a matter of  
19 fact, you had been involved with this dispute or  
20 beef with very shortly before, you are giving the  
21 person some money so that the person can go  
22 somewhere?

23          A       Yes, sir.

24          Q       Where was this person supposed to go?

25          A       He was to go home.

1           Q     What, to New York?

2           A     Yes, sir.

3           Q     Well, what happens next?

4           A     Next thing, we left from Greenmount  
5 Avenue, went to Manchester Avenue.

6           Q     And who is there?

7           A     Rerun was there, I don't know if Coco  
8 was there. I can't remember the parties. I  
9 remember Rerun was there. I can't remember if  
10 Coco was there or not.

11          Q     How about the gun?

12          A     The --

13          Q     The gun?

14          A     Rudy had the gun.

15          Q     How about any bloody clothes or  
16 something like that?

17          A     I didn't see no bloody clothes. Only  
18 blood I saw at the time is on Rudy's clothes.

19          Q     That's what I'm saying. Did you see  
20 blood on those clothes?

21          A     On Rudy's pants. He have blood on his  
22 pants.

23          Q     Yeah?

24          A     And on his shoes.

25          Q     On his shoes?



1           A     On his pants and shoes. He had blood on  
2 the pants.

3           Q     What did you see exactly? You tell me.

4           A     He had blood stains in the front of his  
5 pants and he had lot of blood on his shoes, on  
6 sneakers.

7           Q     Did you see what happened with that?

8           A     He went to the bathroom, he took -- he  
9 had a bag, a duffle bag, a gym bag or duffle bag  
10 with clothes in it. He went in there, took out a  
11 piece of clothes from in the bag. I was in the  
12 bathroom, in the shower, he was in the sink  
13 washing the blood off of the shoes.

14          Q     And when was the next time you saw  
15 Reuben Rainey?

16          A     The evening, late that evening to Nellie  
17 Chew house.

18          Q     Suddenly he's at Nellie Chew's house  
19 then?

20          A     Yes, sir.

21          Q     And who is there?

22          A     When I get there -- Well, Nellie Chew, I  
23 -- we call her Bey -- her brother was in the house  
24 there, he was there, me, him, Coco, Bey. I can't  
25 remember if Joanne was there. I can't remember if

1 she was in the house.

2 Q Well, where was he when you came into  
3 the house?

4 A In Nellie house?

5 Q Yes.

6 A He was in Nellie's room.

7 Q He's in Nellie's room. Who else is in  
8 Nellie's room with him?

9 A I cannot remember, sir.

10 Q What was he wearing at that time?

11 A I cannot remember.

12 Q What was he doing at that time?

13 A He was sitting in that room.

14 Q There was nobody else in there?

15 A I cannot remember, sir, if anybody was  
16 in the room with him.

17 Q How about the gun, where was the gun?

18 A He still had the gun with him.

19 Q Where was it?

20 A Huh?

21 Q Where was it?

22 A He had it wrapped up in a towel.

23 Q Okay. So he has it wrapped up in a  
24 towel but where was it wrapped up in this towel?  
25 Did he have it in his hands?

1           A     Yes. He had it in his hand like this.

2           Q     So he's got your gun wrapped up in a  
3 towel in his hands?

4           A     Yes, sir.

5           Q     That's your gun that, as a matter of  
6 fact, you had bullets for at 862 West Fayette  
7 Street, isn't that correct?

8           A     Yes, sir.

9           Q     You had those bullets on top of the  
10 kitchen cabinet at 862 West Fayette Street?

11          A     No, sir, I didn't put the bullets.  
12 Nellie Chew had the bullets.

13          Q     Nellie had the bullets?

14          A     Yeah.

15          Q     For your gun?

16          A     Yes, sir.

17          Q     That gun mysteriously ends up in his  
18 hands instead of your hands?

19          A     Yes, sir.

20          Q     But you don't know how that happened, do  
21 you?

22          A     Excuse me?

23          Q     But you don't know how that happened, do  
24 you?

25          A     Oh, the gun, how the gun end up in his

1 hands?

2 Q Yes.

3 A Because when we came from New York City  
4 that Saturday, when I came back from New York City  
5 that Saturday, we was to Manchester Avenue, the  
6 gun was in Manchester Avenue. Before I left to go  
7 to New York City that Friday, I left the gun in  
8 the possession of the guy that called Bus Driver.

9 Q Do you know Bus Driver's real name?

10 A Ernest. Ernest.

11 Q Ernest what?

12 A I can't remember the last name.

13 Q Now, let me guess, is Ernest a worker of  
14 yours?

15 A Excuse me?

16 Q Does Ernest work for you?

17 A I would not say he worked for me, no.

18 Q What would you say?

19 A He be with me to get, really to get  
20 high.

21 Q Somehow or the other your gun, even  
22 though he does -- he doesn't work for you?

23 A He round me to get high.

24 Q He's just around you to get high but it  
25 ends up in his possession?

1           A     Because he have a job as a, as a -- he  
2     drive the city bus.

3           Q     Well, that's, I guess, where his  
4     nickname Bus Driver comes from?

5           A     I reckon so.

6           Q     So he's got your gun?

7           A     Yes, sir.

8           Q     You leave it with him intentionally, is  
9     that right?

10          A     Yes, sir.

11          Q     So he can drive his bus?

12          A     Excuse me?

13          Q     So he can drive his bus?

14          A     No, sir.

15          Q     But, anyhow, it has something to do with  
16     you giving it to him?

17          A     I left the gun in his possession when I  
18     left to go to New York City that Friday.

19          Q     Can you give me any particular reason  
20     why?

21          A     Because Bus Driver is supposed to, if  
22     you give him something to hold, and you tell him,  
23     yo, hold this for me, excuse me, you will get it  
24     when you come back, that he would not sell it or  
25     something like that.

1           Q     Why couldn't you have left it with  
2     Denise Coleman?

3           A     I am -- I trust -- person I trust to  
4     leave it with, Bus Driver, more than I trust to  
5     leave it with Denise.

6           Q     How about Jeanette Brown?

7           A     Jeanette Brown was not there when I  
8     left.

9           Q     Certainly could have left it at say 862  
10    Fayette Street which, which is where you got all  
11    the bullets for the gun?

12          A     I cannot remember, the bullet -- I don't  
13    think the bullets was down at 862 Fayette Street  
14    when the police raided the house on the 19th of  
15    June when we get busted. I don't think the  
16    bullets was there, you know. Like, the bullets  
17    was not there that, like the Friday, the bullets  
18    was not there. Drugs was. All I'm saying is the  
19    bullets was not at Fayette Street and gun was on  
20    Greenmount, on -- not Greenmount --

21          Q     Greenmount is where you were?

22          A     No, I say the gun, bullets was not at  
23    Fayette Street and the gun was on Manchester. It  
24    was not like that. The gun and the bullets was at  
25    Manchester Avenue.

1           Q     Well, if the police found the bullets on  
2     June 19th, 1986, at 862 West Fayette Street, did  
3     you take them over there?

4           A     I cannot remember who took the bullets  
5     over there.

6           Q     One of those convenient memory lapses.  
7     You just don't remember, is that right?

8           A     No, I say I cannot remember who took the  
9     bullets over to Fayette Street.

10          Q     Well, let's go back. You have got the  
11     gun with Bus Driver?

12          A     Yes, I left the gun with Bus Driver.

13          Q     Then you go up to New York?

14          A     Yes, sir.

15          Q     Then you come back?

16          A     Yes, sir.

17          Q     Then the gun ends up according to you in  
18     Mr. Rainey's hands?

19          A     Yes, sir.

20          Q     And is that where your new story starts?

21          A     Excuse me?

22          Q     Is that where your new story starts?

23          A     Yes.

24          Q     So now you are going to tell us how the  
25     gun ends up in Reuben Rainey's hands, is that

1 right?

2 A Yes, sir.

3 Q Let's get into that then. Now, this is

4 new ground, isn't it?

5 A Yes, sir.

6 Q Robin Robinson is a girlfriend of yours?

7 A Yes, sir.

8 Q She has a house over on Oakland Avenue?

9 A Yes, sir.

10 Q And her sister has a house on Greenmount

11 Avenue?

12 A Yes, sir.

13 Q And you deal in large quantities of

14 cocaine, you deal in large quantities of cash?

15 A Yes, sir.

16 Q Did there come a time when you found

17 you're missing some money?

18 A Yes, sir.

19 Q How much money was that?

20 A Think it was thirty-five thousand

21 dollars.

22 Q You think it was thirty-five thousand?

23 A I -- it was -- I tell, it was over

24 thirty-one thousand dollars. It is in the

25 thirty-five thousand dollar bracket.



1           Q     You are not the type of person to keep  
2 money in the bank, are you?

3           A     Excuse me?

4           Q     You are not the type of person who would  
5 keep his money in the bank?

6           A     No, sir.

7           Q     So you had thirty-one thousand dollars.  
8 How did you did you have it? Did you have it in  
9 the safe?

10          A     No, sir.

11          Q     How did you have it?

12          A     It was just bills, you know, in stacks,  
13 thousand dollar stacks.

14          Q     And was that in a box?

15          A     It was in Robin's pocketbook.

16          Q     Thirty-one thousand or thirty-five  
17 thousand dollars in thousand dollar stacks was in  
18 a woman's pocketbook?

19          A     Yes. One of the big clutch pocketbooks.

20          Q     When was it that you lost this money?

21          A     Around middle, the middle, like the  
22 middle of May, around the middle of May.

23          Q     Around May 15th?

24          A     Around there.

25          Q     And when did you find out that you had

1       lost the money?

2           A       Around the middle of May when I lost the  
3       money.

4           Q       You are not the type of person who is  
5       going to lose thirty-one thousand, thirty-two  
6       thousand, thirty-three thousand, thirty-four  
7       thousand, thirty-five thousand, whatever amount it  
8       is, without doing something about it, are you?

9           A       No, sir.

10          Q       I mean, I know you are a gunman. You  
11       have told us that. Aren't you?

12          A       Excuse me.

13          Q       We know you are a gunman. You have told  
14       us that, haven't --

15          A       I never told you I was a gunman.

16          Q       You have guns then, is that right?

17          A       Yes, sir.

18          Q       You have guns for a reason?

19          A       Yes, sir.

20          Q       That's to take care of yourself and what  
21       is yours?

22          A       Yes, sir.

23          Q       Now, what do you do then May 15th?

24          A       After I realize I lost money, Robin told  
25       me she have an idea who stole the money.

1           Q     Now, she gave you an idea who stole the  
2 money?

3           A     Yeah.

4           Q     What is the name of the individual?

5           A     A dude by the name of Carlos.

6           Q     Carlos what?

7           A     I don't know. She just said Carlos.

8           Q     Just Carlos?

9           A     Yes. I saw him once before then.

10          Q     Not Ramone or Ricardo, it's Carlos?

11          A     Yes.

12          Q     Unknown last name?

13          A     Yes, sir.

14          Q     How about address?

15          A     She didn't -- she knew where he lived,  
16 she did not give me the address. She took me  
17 where he live at.

18          Q     Where was that?

19          A     About four blocks going like -- if you  
20 are on Greenmount Avenue going toward North  
21 Avenue, about four blocks from Oakland, from  
22 Oakland four blocks going that way.

23          Q     What street was it?

24          A     I don't know the name of the street,  
25 sir.

1 Q When did you go there?

2 A We went there that same morning.

3 Q What did you accomplish?

4 A We didn't accomplish nothing that

5 morning.

6 Q Well, that's May 15th, the morning of

7 May 15th or approximately that day. So do you

8 remember what day of the week it was, by the way?

9 A No, sir.

10 Q So, you are out thirty-five thousand

11 dollars approximately. So what do you do then?

12 A We went back there the nighttime.

13 Q Same day?

14 A Yes.

15 Q Then what happened?

16 A Me, Bus Driver, and Rerun went back

17 there.

18 Q Now, Bus Driver, of course, is the guy

19 who likes to get high with you?

20 A Yes, sir.

21 Q And he's the one who if you give him

22 something ten to one he won't sell it on you?

23 A Yes, sir.

24 Q How about Rerun?

25 A Rerun will sell something.

1 Q He'll sell something, okay. What is  
2 Rerun's relationship to you?  
3 A Well, he work, he scramble with me.  
4 Q He what with you?  
5 A He hustle with me.  
6 Q Does he work with you?  
7 A Yes, sir.  
8 Q He's one of your workers?  
9 A Yes, sir.  
10 Q Do you know his real name, by the way?  
11 A His name is Tyrone.  
12 Q Is he the one in jail right now?  
13 A Yes, sir.  
14 Q So old Tyrone is with you, Rerun, Bus  
15 Driver, he's with you, Robin Robinson is with you?  
16 A Yes, sir.  
17 Q And you are there?  
18 A Yes, sir.  
19 Q All armed?  
20 A Bus Driver wasn't armed.  
21 Q All the rest of you are?  
22 A Robin was not armed either.  
23 Q How about --  
24 A I was armed and Rerun was armed.  
25 Q And who had the 357 Magnum?

1           A       Rerun had the 357 Magnum.

2           Q       Okay. So Rerun has got the State's

3 Exhibit as it is now, you have got what?

4           A       I have a 380.

5           Q       A 380?

6           A       Yeah.

7           Q       So you have got a 380, he's got a 357

8 and you are there to discuss business?

9           A       We went from Robin's house to Carlos

10 house. Carlos was sitting on the stoop.

11          Q       So you found Carlos?

12          A       When he saw me jump out the car Carlos

13 start running so we never caught Carlos.

14          Q       And you guys could never catch up with

15 Carlos?

16          A       I could not catch up with him.

17          Q       How about giving us a description of

18 Carlos?

19          A       He's about 35, 37 years old. Black

20 male, he --

21          Q       Pretty good description of about hundred

22 thousand people probably?

23          A       Well, that's the the best I can do.

24          Q       Is this about the best you can do?

25          A       Yes, sir.

1           Q     So old Carlos hightails it out of there?  
2           A     Excuse me?  
3           Q     He's heading out?  
4           A     Yeah, he left.  
5           Q     And that's again May 15th. Now, what do  
6     you do on May 16th, May 17th, May 18th, what do  
7     you do on all those days?  
8                     Thirty-five thousand dollars is  
9     involved. That's a lot of money even to you,  
10    isn't it?  
11          A     Yes, sir.  
12          Q     So what happens?  
13          A     Nothing.  
14          Q     You write it off to business?  
15          A     No, I just keep on selling drugs that I  
16    have.  
17          Q     You didn't bother to go back to Carlos'  
18    house every single day especially since you saw  
19    him on the stoop of the house?  
20          A     No, I did not go back to the house.  
21          Q     Robin evidently is a friend of his,  
22    right?  
23          A     Robin is a friend of his, of his  
24    girlfriend.  
25          Q     You certainly didn't have her working to

1 find out where he was so you could ambush him?

2 A Yes, sir.

3 Q You did have her?

4 A Yes, sir.

5 Q Well, did the money ever show up?

6 A No, sir.

7 Q And did Carlos ever show up?

8 A I never seen him, sir, no.

9 Q Who was working on the case for you?

10 A Robin was work -- Robin was working on

11 the case to find out where he is at because soon

12 after he ran from the house where he lived, he

13 never came back. This is what Robin told me. He

14 never came back to that apartment because he had

15 had an eviction notice the same day the money was

16 missing. He had eviction notice that same day and

17 he never came back to the house and he had rented

18 another apartment in some other place. I don't

19 know where.

20 Q But your money, weren't you trying to

21 find out where --

22 A Yes, I was trying to find out where but

23 Robin didn't know where either.

24 Q Evidently Carlos is a thief who will

25 take thirty-five thousand dollars but he'll pay



1 attention to an eviction notice and leave the same  
2 day, is that right?

3 A He never came back to the house as far  
4 as I know.

5 Q You staked out the house, right?

6 A I never staked out the house. I had  
7 Robin to check because it is close to Robin, just  
8 she could walk there.

9 Q When he was running along you didn't see  
10 the money kind of fling out of his pockets like  
11 that, did you?

12 A No.

13 Q Did you go inside the house?

14 A No.

15 Q Did you threaten the girlfriend?

16 A I never seen the girlfriend.

17 Q Well, did you have Robin threaten the  
18 girlfriend?

19 A No, sir.

20 Q So you've got thirty-five thousand  
21 missing. I assume you are upset about that?

22 A Yes, sir.

23 Q The same time you are having problems  
24 with Deborah Veney because she is scratching you  
25 to pieces, right?

1           A     No, we didn't have no problems.

2           Q     She's just scratching you?

3           A     We didn't have, we didn't have no

4     problems.

5           Q     But that all happened about that time,

6     didn't it?

7           A     It happened the week -- yeah, during

8     that period of time, yes, sir.

9           Q     So you are then with Rerun, you are with

10    Bus Driver, you are with Robin, you are with

11    whomever and you are trying to find the

12    thirty-five thousand dollars?

13          A     Yes, sir.

14          Q     Let me guess, is it going to be your

15    story to us today that you brought Reuben Rainey

16    down from New York, who knows nothing about

17    Baltimore, knows nothing about Carlos --

18          A     Huh.

19          Q     -- doesn't even know the city at all,

20    you brought him down to find Carlos?

21          A     No, not to find Carlos.

22          Q     Well, to what, kill Carlos, I guess,

23    right?

24          A     If he have to, yes.

25          Q     So you are bringing him down to kill

1 Carlos? Now, correct me if I'm wrong, isn't Rerun  
2 the man who protects you?

3 A Well --

4 Q Isn't that what you are telling us?  
5 Isn't that why he has the 357 Magnum?

6 A Yes.

7 Q Of course, you protect yourself because  
8 you got the 380?

9 A Yes, sir.

10 Q So there is a lot of protection there.  
11 Is Rerun screwing up somewhere or the other?

12 A Yes, sir.

13 Q Were you having problems with your  
14 employees?

15 A With Rerun, yes, sir.

16 Q So you had to make a change in your  
17 staff, is that correct?

18 A Yes, sir.

19 Q Had to fire Rerun?

20 A I wouldn't say fire him. Put it this  
21 way, lay him off for a couple of days.

22 Q Just for a couple of days though, right?

23 A Yeah.

24 Q So you had to bring in outside  
25 employment because people up New York know how to

1 do these things better, don't they?

2 A Reuben is from New York.

3 Q Rerun is from New York too?

4 A Yes, sir.

5 Q You really do have a New York

6 connection, don't you? Everybody about you is

7 from New York. You are from U.S. Virgin Island

8 but you are from New York also?

9 A Yes, sir.

10 Q The fact remains, you are telling us now

11 that sometime you decide to bring Reuben Rainey

12 down from New York to replace the laid off Rerun?

13 A Yes, sir.

14 Q And, of course, because Rerun has the

15 357 Magnum that's taken from Rerun because he's --

16 A Yeah, because he could have, he could

17 have had Carlos that night because he's a much

18 younger person than I am. He could catch up with

19 Carlos.

20 Q You are telling us that you laid him off

21 because he screws up?

22 A He was on a high, he was on high and so

23 --

24 Q So on May 15th he screws up, he doesn't

25 catch Carlos with the 357 to do whatever he is

1 going to do to Carlos and you laid him off?

2 A Yes, sir.

3 Q But you don't immediately re-staff, you  
4 wait until May 30th, May 31st?

5 A Excuse me?

6 Q June 1st?

7 A Excuse me?

8 Q You don't immediately re-staff with new  
9 -- hire employees, you wait till what, May 31st?

10 A Yes, sir.

11 Q And then you bring down Reuben Rainey  
12 from New York so that you can give him the 357  
13 Magnum?

14 A Yes, sir.

15 Q So that he can find Carlos?

16 A Not that he could find Carlos. When  
17 Robin locate where Carlos is living, he could go  
18 take care of that for me.

19 Q Okay. So that's how you say the gun got  
20 into his hands?

21 A Yes, sir.

22 Q Is that right? Of course, you didn't  
23 tell us that before, did you?

24 A No, sir. You didn't ask me either.

25 Q Well, that's true. In other words, you

1 are saying the whole truth, nothing but the truth  
2 means if I happen to get a question that you like  
3 you will tell us the truth, other than that you go  
4 all around it?

5 A You did not ask me about the gun.  
6 Didn't say nothing about the gun.

7 Q Let me ask you this question then. This  
8 is a very direct question. You shouldn't have any  
9 problems with that at all. Where was Carlos on  
10 May 31st?

11 A I don't know.

12 Q What efforts had been made between May  
13 15th and May 31st to find Carlos?

14 A Effort been making ever since I lost the  
15 money. Robin been trying to find out where Carlos  
16 live.

17 Q What was she doing?

18 A Well, she might ask her sisters if, or  
19 any friends. See, I don't know Carlos friends and  
20 I don't know any of Robin friends, you know, and  
21 because I keep asking her if she find out where  
22 Carlos staying at.

23 Q Well, certainly very cavalier about the  
24 thirty-five thousand dollars. Just day after day  
25 is passing and best you can tell us is that

1 supposedly Robin might be asking some of her  
2 friends if they have seen --

3 A If --

4 Q -- the girlfriend of Carlos?

5 A Yes.

6 Q That's the efforts you are making even  
7 though you really want to shoot and kill the guy,  
8 that's what you are telling us?

9 A No, I really wanted to catch him as soon  
10 as I can because I feel he will not have spent the  
11 thirty-five thousand dollars that fast. You know,  
12 I get back part of my money from him.

13 Q Then you would kill him?

14 A Huh?

15 Q Then you would kill him?

16 A No, I wouldn't kill him.

17 Q You wouldn't kill him?

18 A No.

19 Q I see.

20 A Because Reuben came down to do that.

21 Q So, in other words, you would have  
22 somebody else do it because, again, you always  
23 shift the blame, isn't that right?

24 A I'm not shifting any blame.

25 Q Well, you are just telling us that you

1 are going to get your money, or as much of your  
2 money back as you can; then, of course, you are  
3 going to bring somebody in from the outside to  
4 kill him?

5 A I'm not shifting the blame. Rudy would  
6 -- if we had run into Carlos I figure Rudy would  
7 get the money back for me.

8 Q Well, now he's going to get the money  
9 back for you even though he doesn't even know who  
10 Carlos is, he doesn't know anything about the  
11 city?

12 A If I see Carlos I know Carlos.

13 Q You are the one what, has got the 380?

14 A If I see Carlos I know Carlos because I  
15 seen him before.

16 Q You got the 380?

17 A I had the 380, yes.

18 Q You know how to shoot it?

19 A Yes, sir.

20 Q And it works?

21 A Yes, sir.

22 Q You know how to put a bullet in  
23 somebody's head?

24 A No. I never did put no bullet in nobody  
25 head.



1           Q     Well, not yet. We are not to June 2nd  
2 yet. June 2nd comes.

3           A     Yes.

4           Q     Now, according to you you brought Reuben  
5 Rainey down from New York on either Friday, May  
6 30th or Saturday, May 31st, so that he can assist  
7 you in your efforts to find this unknown Carlos?

8           A     Yes, sir.

9           Q     What do you have him do on Saturday to  
10 find Carlos?

11          A     Saturday?

12          A     He didn't do nothing Saturday. We all  
13 in the house getting high.

14          Q     You have got Robin Robinson and Robin  
15 works in what, a fast food joint on Pennsylvania  
16 Avenue?

17          A     Yes, sir.

18          Q     And she gets home from work at 11  
19 o'clock, is that right?

20          A     Yes, sir.

21          Q     Now, you get over there, do you ask her,  
22 well, what efforts have you made today to find my  
23 thirty-five thousand dollars? If we don't find it  
24 quickly, it's going to be all spent?

25          A     No, I didn't say it like that. I didn't

1 question her like that.

2 Q Well, did you say, look, here's the  
3 plan, I brought this guy down from New York, tell  
4 him everything you know about Carlos so that he  
5 can find him and get the rest of my money or  
6 whatever is left and then kill him?

7 A No, I didn't say that to her.

8 Q So you just go over there to shack up?

9 A I went to Robin house on Oakland and  
10 Greenmount Avenue.

11 Q Prior to doing that, however, you made  
12 sure you got this gun, which is your gun, you got  
13 it back from the Bus Driver so you could give it  
14 to Reubin Rainey even though he has nothing to do?

15 A He had -- when we get from New York,  
16 see, the gun was at Manchester Avenue. It was --  
17 I left the gun in Bus Driver possession. When I  
18 came back from New York, I cannot remember if I  
19 give it -- Rudy the gun or if Bus Driver give Rudy  
20 the gun.

21 Q Now, Bus Driver would have never met  
22 Reuben Rainey before, is that correct?

23 A No, Bus Driver, he never met Reuben  
24 Rainey before.

25 Q Are you indicating to the ladies and

1 gentlemen of the jury then that it would be the  
2 experience of your crew or your buddies, whatever  
3 Bus Driver is --

4 A Uh-huh.

5 Q -- if somebody happens to walk in for  
6 that person who is holding this gun --

7 A Huh-uh.

8 Q -- he's ten to one to keep it rather  
9 than do something with it --

10 A Huh-uh.

11 Q -- just to give it over to the person?

12 A No, I'm not saying that he just give it  
13 as he give it to -- like, what I'm saying is the  
14 way Reuben Rainey end up with the gun, I cannot  
15 remember if I personal give Reuben Rainey the gun  
16 or if I give the order to Bus Driver to give  
17 Reuben Rainey the gun. That what I'm saying.

18 Q One way or the other, no matter which  
19 way you decide you want to say it, you are the  
20 conduit, you are the force that causes this gun to  
21 go from your possession or Bus Driver's possession  
22 to Reuben Rainey's possession?

23 A Yes.

24 Q All right. So that's what we have.

25 Now, why?

1           A       Because rudy came down here with me, not  
2       with me but with Joanne so that he could, when we  
3       do run into Carlos, if he ain't have the money he  
4       could do what he have to do to Carlos.

5           Q       Now, let me ask you a question, you have  
6       basically recruited talent from out of State, is  
7       that right?

8           A       Excuse me?

9           Q       You have recruited talent from out of  
10      State?

11          A       Yeah.

12          Q       But the person travels alone, he doesn't  
13      happen to have his own gun?

14          A       He did not have the gun when he came  
15      down here.

16          Q       So you have to provide the gun to this  
17      gunman?

18          A       Yes.

19          Q       And, of course, you don't know where  
20      Carlos is, you haven't had any reports from Robin  
21      Robinson, you certainly don't expect to do  
22      anything on Saturday, you are just getting high  
23      with your now ten ounces or more of cocaine?

24          A       Yes, sir.

25          Q       But you give him the gun anyhow?

1           A     Yeah.

2           Q     Of course, with that gun he accompanies  
3     you over to Robin Robinson's house which  
4     represents your only possible contact to Carlos  
5     and Carlos' girlfriend?

6           A     Yes. We went to Robin sister's house,  
7     not Robin's house. Robin sister's house.

8           Q     No matter where you went you saw Robin?

9           A     Yes, sir.

10          Q     And Robin is the person you didn't ask  
11     any questions?

12          A     If I -- I asked her if she seen Carlos.  
13     Yes, I asked her.

14          Q     You asked her that evening whether she  
15     had seen Carlos?

16          A     Yes, of course.

17          Q     She had been working all day in the fast  
18     food place on Pennsylvania Avenue?

19          A     Yes, sir.

20          Q     Her answer I guess would have to be no?

21          A     It was no.

22          Q     And did you say, well, how about your  
23     friends then?

24          A     I asked her if she --

25          Q     Heard any reports?

1           A     Yes.

2           Q     And did you say, by the way, here's my  
3 new man, he's replacing the laid off Rerun?

4           A     No, I didn't say it like that. I told  
5 her, I told Robin that I brought him down to take  
6 care of that thing with Carlos.

7           Q     You got Reuben Rainey, given him this  
8 large gun. It really is quite a large gun. How  
9 was he dressed, do you remember?

10          A     It was in the summer time.

11          Q     Can I have the gun please? Could he be  
12 dressed about the way you are now? Was it  
13 something like that?

14          A     I they he had on a windbreaker jacket on  
15 him.

16          Q     Had a jacket on, is that right?

17          A     A win -- I cannot remember for, I cannot  
18 remember for sure.

19          Q     You didn't have a holster for this, did  
20 you?

21          A     No.

22          Q     Where would he have had this gun when  
23 you gave it to him when he walked over to Robin  
24 Robinson's house with you?

25          A     I think he took the gun from Denise

1 house and put it in a bag, in his bag.

2 Q So he didn't carry this gun on his  
3 person then, it was in a bag?

4 A It was in a bag.

5 Q Now, would this be a large trash bag  
6 filled with dirty clothes?

7 A No, no, not trash bag. A gym bag.

8 Q Little gym bag like somebody would  
9 carry?

10 A One like this big, this long.

11 Q A big gym bag?

12 A Yes.

13 Q That's what he -- did you see him bring  
14 that from New York?

15 A I brought it home from New York.

16 Q You brought it from New York?

17 A Yeah.

18 Q So not only do you import him, who  
19 doesn't have a gun, and you have to give him the  
20 gun, you also bring the duffle bag?

21 A I brought the gym bag. It was in the  
22 trunk of the car.

23 Q Gym bag. So you have got the bag?

24 A No, when we get to Denise house.

25 Q Then give it to him?

1           A       No, no. When we get to Denise house, he  
2 went in the car and took the bag out of the car  
3 and brought it in the house, in Denise house.

4           Q       Then he took this gun?

5           A       I cannot remember if I give him the --  
6 hand the -- I put the -- hand him the gun --

7           Q       Somebody got the gun to him?

8           A       -- or if Bus Driver the one who hand him  
9 the gun. After he had the gun we left from there  
10 and we went to Robin's house. He took the gun and  
11 put it in the bag.

12          Q       Now, prior to that, of course, you had  
13 to provide the bullets also, didn't you?

14          A       Yes.

15          Q       So you got the bullets as well?

16          A       Excuse me?

17          Q       The bullets are provided by you as well?

18          A       Yes.

19          Q       You get the bullets out of what, this  
20 container of bullets that you have got that fit a  
21 357?

22          A       It had a box of bullets. Bus Driver  
23 brought the bullets. It had the bullets at Denise  
24 house.

25          Q       You took some of the bullets out and put



1       some of those bullets in the gun?

2           A       No.

3           Q       It had a box of bullets?

4           A       Yes.

5           Q       If there are bullets missing from this  
6 box, who knows what happened to them, right?

7           A       (Indicating affirmatively.)

8           Q       Now, this gun is in the duffle bag, the  
9 man is around now. He has nothing to do basically  
10 for you because he doesn't have any contacts. He  
11 can't talk to Robin Robinson because she is with  
12 you doing whatever you two are doing. There is no  
13 contact at the house.

14                   Now, you are tired, even though you are  
15 missing thirty-five thousand dollars, which is  
16 important enough for you to bring down somebody  
17 from New York to find the money, then to kill  
18 somebody. That's all true so far, isn't it?

19           A       Yeah.

20           Q       And you are simply there at Greenmount  
21 Avenue with this man having nothing to do until  
22 you decide to do something, right?

23           A       Yes.

24           Q       So, what do you do? Do you send him off  
25 on a tour of the town?

1           A       I told him -- I told Bey and Joanne to  
2       take him out and show him a nice time, get him a  
3       girl and show him a nice time.

4           Q       To get him a girl, show him a nice time?

5           A       Yeah.

6           Q       This is definitely Joanne and Bey?

7           A       Joanne and Bey.

8           Q       So they are going to show him the sights  
9       of Baltimore?

10          A       Whatever they should show him.   Sure, I  
11       asked them.

12          Q       Take him down to the aquarium?

13          A       I don't know, sir.

14          Q       But they are going to find a girl for  
15       him and do whatever they are going to do?

16          A       Yes.

17          Q       How about doing dirty laundry, was that  
18       part of the deal?   Do you bring somebody down from  
19       New York to do laundry?

20          A       He had dirty clothes in the bag, sir.

21          Q       In what bag?                               .

22          A       In the duffle bag, because I remember  
23       before we left from New York City, I asked him to  
24       come down here, he said that he had to wash the  
25       clothes and I did not want to stay in New York

1 City that long period of time. I tell him that he  
2 could wash clothes when he get down here.

3 Q So the man has basically a large gym  
4 bag?

5 A Yes, sir.

6 Q And because evidently neatness counts,  
7 he has to do his clothes before he can come down  
8 and do the job for you?

9 A Excuse me?

10 Q Do his clothes, he has to do his laundry  
11 before he can come down and do a job for you?

12 A He had clean clothes. He just had dirty  
13 -- he had a lot of dirty clothes, he brought down  
14 a lot of dirty clothes. He himself wasn't dirty.

15 Q So somehow or the other it is easy to  
16 come from New York to Baltimore and do your dirty  
17 clothes?

18 A Yes.

19 Q Especially when you are the one who  
20 brings the clothes for him?

21 A Yes.

22 Q So he's got laundry to do and that's  
23 probably what he's going to do? Instead of seeing  
24 the sights, do this, do that, he's going to do his  
25 laundry?

1           A       If I'm not mistaken, I think whilst we  
2       are at Denise house, I'm not positive, he had did  
3       the laundry to Denise house. I'm not positive.

4           Q       Denise's house is 3735 Manchester  
5       Avenue?

6           A       Yes, sir, she have a washing machine  
7       downstairs in the basement.

8           Q       My goodness. So she has a washing  
9       machine. Does she charge you, say, fifty cents or  
10      dollar every time you use it?

11          A       No, sir.

12          Q       Any particular reason you can come up  
13      with, Mr. Boyce, that would prevent one of your  
14      crew after they run out of cocaine, after they  
15      have seen the sights, after they have done  
16      whatever they have done, from going back to  
17      Greenmount Avenue and say, Poppy -- everybody  
18      calls you Poppy, don't they?

19          A       Yes, sir.

20          Q       -- Poppy, I am out, I need some more  
21      stuff?

22          A       Umm --

23          Q       Of course, you being the nice guy that  
24      you are, you would have given it to them, wouldn't  
25      you?

1           A     Maybe not.

2           Q     Oh, maybe not?

3           A     Maybe yes, maybe no.

4           Q     So maybe you weren't so nice after all?

5           A     I be nice to them but sometimes I don't

6           like them to base. I don't like them to be

7           freebasing. I don't like them to freebase. I

8           don't like them to base.

9           Q     So seems to be some sort of ethical

10          standard?

11          A     And if, if they figured I think that

12          they basing, then they don't think I'll give it to

13          them.

14          Q     So that makes sense. So, in other

15          words, if they're just going to snort it, that's

16          okay?

17          A     Yes.

18          Q     If they are going to freebase it, which

19          means smoke it?

20          A     I won't like it.

21          Q     You don't like that. So, in any case,

22          you certainly hadn't told them on Saturday at

23          midnight or Sunday morning at one o'clock, or

24          whenever they left your company, don't come back?

25          A     I told them don't come. I -- yeah, I

1 think I told them don't come and ask me for no  
2 more drugs.

3 Q You think you told them that did you  
4 say?

5 A Yes, I think I told them not to come  
6 back for more drugs.

7 Q When was that?

8 A Saturday night.

9 Q Who did you say that to, just the whole  
10 crew, just a blanket statement, get lost?

11 A Like Denise and Joanne -- Denise,  
12 Joanne, Bus Driver, Rerun, they didn't know where  
13 I was when I left. They didn't know where I was.

14 Q Well, would it be unusual?

15 A Only person knew where I was was Rudy,  
16 Bey and Joanne.

17 Q Would it be unusual for Denise, for  
18 example, who is the woman of the house at 3735 to  
19 hear from Nellie who is one of your women at 862  
20 West Fayette or Joanne or anybody else where you  
21 were?

22 A I don't tell everybody where I at.

23 Q So one hand doesn't necessarily know  
24 what the other hand is doing?

25 A No.

1 Q That's --

2 A No, that's right.

3 Q You keep part in the dark?

4 A Yes, sir.

5 Q That's corroboration?

6 A That's --

7 Q That's the way you do your business?

8 A That's the way I do my business.

9 Q June 2, people murdered, you are so

10 horrified you take a shower and everybody leaves?

11 A Yes, sir.

12 Q You say go back up to New York to Reuben

13 Rainey?

14 A Yes, sir.

15 Q This is the person you just brought

16 down, right?

17 A Yeah.

18 Q He's the one who has the 357?

19 A Yes, sir.

20 Q Which is your gun?

21 A Yes, sir.

22 Q What do you do? Do you say give me back

23 my gun?

24 A No.

25 Q What do you say?

1           A       I asked him if he was crazy.

2           Q       Then what?

3           A       Because he hadn't come down here to do

4       that.

5           Q       Then what?

6           A       I tell him go back up to the city. I

7       asked -- I tell him go back up to the city.

8           Q       What about your gun?

9           A       He just killed two people with the gun,

10       why I want to take the gun for?

11          Q       You don't want your gun?

12          A       I ain't want the gun.

13          Q       What did you say about the gun?

14          A       Tell him get rid of the gun.

15          Q       You say what, go up to New York and take

16       the --

17          A       Take the gun with him and throw it in

18       the river when he get up there.

19          Q       How about Jesus, you mention his name?

20          A       I don't know Jesus.

21          Q       You know Troy?

22          A       I know Troy.

23          Q       You know Oscar?

24          A       I know Oscar.

25          Q       You know 356 West 121st Street?



1           A     Yes, sir.

2           Q     But you don't know Jesus?

3           A     I don't know Jesus.

4           Q     Now, you are the one who says get rid of  
5 the gun?

6           A     Yes, sir.

7           Q     You are the one says go back up to New  
8 York?

9           A     Yes, sir.

10          Q     You see him that evening?

11          A     Yeah.

12          Q     And you see him at Fayette Street?

13          A     Yes, sir, saw him at Fayette Street.

14          Q     You see him sitting in Nellie Chew's who  
15 is your woman?

16          A     Yes, sir.

17          Q     In her bedroom?

18          A     Yes, sir.

19          Q     You must be pretty upset?

20          A     Yeah.

21          Q     So what do you do?

22          A     I keep asking why you keep staying down  
23 here and carry the gun around with him. That is  
24 crazy --

25          Q     Then what?

1           A       -- you know, and he just wouldn't listen  
2 to me.

3           Q       You certainly don't have any control  
4 over him, do you?

5           A       No.

6           Q       Before we lose the point, how about  
7 Carlos, have you ever seen Carlos -- this is July  
8 what, this is July the 7th, 1987?

9           A       July -- today?

10          Q       Yeah?

11          A       Yeah, I never seen Carlos.

12          Q       Never seen him since May 15th, 1986?

13          A       No.

14          Q       All the best efforts that Robin Robinson  
15 can make?

16          A       No, I never seen him.

17          Q       All the best efforts that Rerun can  
18 make?

19          A       Rerun was locked up. Rerun didn't  
20 know. Rerun never -- only time Rerun ever seen  
21 Carlos is whilst he was running. Rerun never seen  
22 Carlos like face to face.

23          Q       So it is your testimony to the ladies  
24 and gentlemen of this jury that the thirty-five  
25 thousand dollars disappeared?

1           A     Uh-huh.

2           Q     Carlos disapeared?

3           A     Yes, sir.

4           Q     You have never found him?

5           A     Never found Carlos.

6           Q     And so you are out?

7           A     Yes.

8           Q     And, furthermore, you are out the gun, I

9     guess, also, aren't you?

10          A     Yes, sir.

11          Q     Now, you must be very upset at this

12     point, aren't you?

13          A     Yes.

14          Q     And somehow or the other you are so

15     upset that on June 19th, 1986, when you are at 862

16     West Fayette Street when you got another supply of

17     cocaine --

18          A     Yes, sir.

19          Q     -- you got fourteen thousand dollars --

20          A     Yes, sir.

21          Q     -- which replaces at least in part the

22     twenty-five, the thirty-five thousand dollars?

23          A     Yes, sir.

24          Q     Reuben Rainey screws up again and leads

25     the police right to you?

1           A     Yes, sir.

2           Q     Now, he was back with you again on June

3           19th, 1986?

4           A     Yes, sir.

5           Q     You just couldn't get rid of him, could

6           you?

7           A     No, sir.

8           Q     This is, this is terrible, every time

9           you turn around here he is?

10          A     He had left. He had left, he had left.

11          Q     No sooner does he leave, he comes back?

12          A     He came right back.

13          Q     And son of a gun, he's with you again?

14          A     He came back. He was at Denise house,

15          came to Denise house.

16          Q     As amazing a coincidence as it might be,

17          he's selling your cocaine for you?

18          A     No, he was not selling nothing for me.

19          Q     Well, he got arrested for it right

20          outside 862 West Fayette?

21          A     I was asleep at 862 West Fayette

22          Street.

23          Q     Kind of snuck up there and got it?

24          A     Eddie Cooper, Easy, Eddie was there when

25          I woke up. Easy told me that he give Rudy a half

1 a quarter.

2 Q So Easy Cooper is the one who --

3 A He say give Easy.

4 Q -- while you are sleeping again -- You

5 do a lot of sleeping, by the way, don't you?

6 Anyway, you are sleeping and Easy Cooper who has

7 some relationship to you and some relationship to

8 your business gives him a half of a quarter?

9 A Yeah.

10 Q Whatever designation that is.

11 A Huh?

12 Q He gets himself arrested outside your

13 house?

14 A Not my house.

15 Q Nellie Chew's house?

16 A Nellie Chew's house.

17 Q And a few hours later here come the

18 police and they got all your stuff, all your

19 money?

20 A Yeah.

21 Q All your guns?

22 A Yes, sir.

23 Q All your bullets?

24 A Yes, sir.

25 Q Got your dirty clothes?

1           A       I didn't have no dirty clothes there.  
2       Only thing -- because I had on what clothes I  
3       have. When I got arrested, I get arrested in the  
4       shorts alone and its blue nylon shorts because I  
5       had asked Nellie to take my clothes and wash them  
6       for me. So I didn't have no clothes at Nellie  
7       Chew's house.

8           Q       Does Nellie have a washing machine?

9           A       No, they have a washing machine in the  
10       complex.

11          Q       So, you have your clothes being washed  
12       again?

13          A       The clothes I had on, yes.

14          Q       Somehow or the other we seem to be  
15       missing a plastic bag which is hidden behind a  
16       dresser which is in Nellie Chew's room which has a  
17       small T-shirt and men's briefs that are bloody?

18          A       I do not wear briefs. I wear boxer  
19       shorts.

20          Q       So that clearly means that it couldn't  
21       have been you who put those clothes there?

22          A       I would not put no clothes there.

23          Q       It clearly means that you couldn't have  
24       been the one who got those clothes bloody?

25          A       I did not have no bloody clothes.

1           Q     That's all that is found there,  
2     including the fact that right in front of you when  
3     the police come in is a 9 millimeter automatic,  
4     isn't it?

5           A     The police did not find no 9 millimeter  
6     automatic in front of me. I was in the hallway  
7     when the police came in the place. I was right in  
8     between the doors, between the doors going, facing  
9     towards the hallway.

10          Q     You were not in the bedroom?

11          A     I was like -- the bedroom like this and  
12     the door is right here, I was standing on the  
13     sill, on the door sill of the bedroom --

14          Q     And the police --

15          A     -- facing the hallway when the police  
16     came in.

17          Q     So you are actually facing out when the  
18     police officers are coming up, is that right?

19          A     Yes.

20          Q     You ran inside the bedroom?

21          A     No, I did not run back in the bedroom.

22          Q     You just stood out in the hallway?

23          A     Officer Requer pushed me back in the  
24     bedroom. I never run back. Mr. -- Officer Requer  
25     pushed me back in the bedroom.

1           Q     I was wondering how you got back into  
2     the bedroom so you could reach for the gun.

3           A     Officer Requer pushed me back in the  
4     bedroom.

5           Q     That's how that happened?

6           A     Yeah.

7           Q     Then you get arrested and you go to the  
8     Baltimore City Jail and you get a high bail?

9           A     Yes, sir.

10          Q     Which is -- certainly deserve it. I  
11     mean, you got fifty thousand dollars worth of  
12     cocaine, fourteen thousand dollars worth of cash,  
13     got several different weapons there?

14          A     Yes, sir.

15          Q     Now, you are at the Baltimore City Jail  
16     and at the Baltimore City Jail is also Reuben  
17     Rainey?

18          A     Yes, sir.

19          Q     And Eddie Easy Cooper?

20          A     Yes, sir.

21          Q     And Robert Robinson?

22          A     Yes, sir.

23          Q     And about another fifteen hundred  
24     people, I guess. Really, lots of people over  
25     there.



1           A     Nine of us got arrested.

2           Q     Nine of you?

3           A     Yes, sir.

4           Q     In any case, you and the rest of the  
5     population at the Baltimore City Jail have the  
6     opportunity to get out of your cells --

7                     (Whereupon, the reporter had to change  
8     paper, after which the following ensued:)

9                     THE COURT:  Ladies and gentlemen, we are  
10    going to break now and I'd ask that you report at  
11    the same time tomorrow.  I assure you we will not  
12    have the problems that we had today.  So we will  
13    be able to get started promptly.

14                    Counsel, the Court will be ready to get  
15    started at 9:30 tomorrow.  This Court will stand  
16    adjourned until then.

17                    (Whereupon, Court adjourned for the  
18    day.)

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I, Rita M. E. Taggart, an Official Court Reporter of the Circuit Court for Baltimore City, do hereby certify that I recorded stenographically the proceedings in the matter of STATE versus REUBEN RAINEY, on JULY 7, 1987.

I further certify that the foregoing pages constitute the official transcript of proceedings as transcribed by me to the within typewritten matter in a complete and accurate manner.

In Witness Whereof, I have hereunto  
subscribed my name this 15TH day of JANUARY, 1988.

  
Rita M. E. Taggart  
Official Court Reporter

1 IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND  
2  
3 STATE OF MARYLAND

4 INDICTMENT NO. 18626016, 17

5 VERSUS

6 REUBEN RAINEY

7 \_\_\_\_\_ / JULY 8, 1987

8 REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS

9 BEFORE:

10 THE HONORABLE ARRIE W. DAVIS, JUDGE  
11 AND A JURY

12 APPEARANCES

13 ON BEHALF OF THE STATE:

14 SAMUEL BRAVE, ESQUIRE  
15 ASSISTANT STATE'S ATTORNEY

16 BRIAN MURPHY, ESQUIRE  
17 ASSISTANT STATE'S ATTORNEY

18 ON BEHALF OF THE DEFENDANT:

19 GORDON TAYBACK, ESQUIRE

20 REPORTED BY:  
21 Rita M. E. Taggart  
22 Official Court Reporter  
23 507 Courthouse West  
24 Baltimore, Maryland 21202  
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P R O C E E D I N G S

MR. BRAVE: Good morning, Your Honor.  
Everything is in place for a start at your  
convenience.

THE COURT: My convenience is right this  
very instant.

MR. BRAVE: Very well.

THE COURT: Can I see counsel at the  
bench a minute please?

(Whereupon, a bench conference was held  
which was not made a part of this record,  
following which proceedings resumed in open  
court.)

MR. BRAVE: Judge, may I ask one thing  
before you bring the jury down?

THE COURT: Yes.

MR. BRAVE: Mr. Boyce is in the present  
custody of the homicide detectives. They want to  
know whether the jail will take over custody while  
in the courtroom, because, if not, they want to be  
in here.

THE COURT: Counsel, is there anything  
before we bring the jury down?

MR. BRAVE: Nothing from the State.

MR. TAYBACK: I have nothing, Your

1 Honor.

2 THE COURT: Let's bring the jury down  
3 please.

4 (Whereupon, the jury entered the  
5 courtroom, after which the following proceedings  
6 ensued:)

7 THE COURT: Ladies and gentlemen, first  
8 of all, good morning.

9 THE JURY: Good morning.

10 THE COURT: Before I excused you  
11 yesterday, I believe I had said something about  
12 the best laid plans of mice and men. Obviously,  
13 neither mice or men plan for fire drills and other  
14 things. Again, I will attempt to expedite matters  
15 as much as possible. I believe we had begun with  
16 the examination of Mr. Boyce. Mr. Tayback.

17 MR. TAYBACK: Thank you, Your Honor.  
18 May it please the Court.

19 CONTINUED CROSS EXAMINATION

20 BY MR. TAYBACK:

21 Q Mr. Boyce --

22 A Yes, sir.

23 Q -- when we finished speaking yesterday,  
24 I had asked you a series of questions for  
25 approximately an hour, hour and a half. Let me

1 just go over a couple of things, then we can start  
2 with some new questions.

3 Yesterday you indicated to the ladies  
4 and gentlemen of the jury that, as to Deborah  
5 Veney, she was not part of any --

6 MR. BRAVE: Objection, Your Honor. I  
7 don't mind a short lead in, but I think the jury  
8 remembers yesterday's testimony. I don't think we  
9 have to review the whole thing.

10 THE COURT: Let's keep this as short as  
11 possible because I think both counsel from time to  
12 time have been guilty of giving speeches before  
13 the question comes out.

14 Go ahead, Mr. Tayback.

15 Q Yesterday you had indicated that Deborah  
16 Veney was not part of your drug organization, is  
17 that correct?

18 A Yes, sir.

19 Q Now, you also indicated to the ladies  
20 and gentlemen of the jury that Deborah Veney --  
21 the house at 4711 Navarro Road was not used by you  
22 for your drug operations?

23 A I said that I used the house to cut, to  
24 bag up drugs. I never said no drugs at Deborah  
25 Veney's house.

1           Q     When you mean sell at, drugs at Deborah  
2 Veney's house, you mean out of her house selling  
3 drugs?

4           A     Yes, sir.

5           Q     That wasn't your operation at all. As a  
6 matter of fact, I think you previously told us  
7 that your drug operation consisted of you selling  
8 after you received calls over a beeper, is that  
9 correct?

10          A     Yes, sir.

11          Q     So you would have a beeper, your various  
12 people would call you or your various customers  
13 would call you and then you would go to those  
14 locations to sell or deliver?

15          A     Yes, sir.

16          Q     But you certainly used 4711 Navarro Road  
17 as one of these houses where you would go every  
18 couple of days with your drugs, from one house to  
19 the other to stay one step ahead of the police?

20          A     No, sir.

21          Q     You didn't use it?

22          A     No, sir.

23          Q     You also indicated to us that Deborah  
24 Veney really didn't have too much to do with you  
25 in your drug operations?

1           A     She bought drugs from me.

2           Q     She bought?

3           A     Yes. She bought drugs from me.

4           Q     She was like a customer then, is that

5 right?

6           A     Yes.

7           Q     Let me just refer you to a few things

8 said in April then and we will see what we have.

9                     Mr. Brave, I'll refer you to the

10 transcript of April 13, page 162, line 13 and 14.

11                     MR. BRAVE: Give me a moment. 162.

12          Q     Mr. Boyce --

13          A     Yes, sir.

14          Q     -- I'll refer you to this page of the

15 transcript which is page 162 --

16          A     Yes, sir.

17          Q     -- and I'll indicate that in response to

18 a question, I believe of Mr. Brave, you had

19 indicated, and what was your answer? Will you

20 read that to the ladies and gentlemen of the

21 jury? If you want I'll read it for them. If you

22 want to --

23          A     Could you read it?

24          Q     Answer: I take Joanne, Joanne Blunt go

25 up with me; sometimes Bey --



1           A     Yes.

2           Q     -- which you all know by Nellie Chew --

3           A     Yes, sir.

4           Q     -- goes with me?

5           A     Yes, sir.

6           Q     Denise go up with me.

7           A     Yes, sir.

8           Q     Jeanette Brown brother up with me.

9           A     Yes, sir.

10          Q     California Debbie, which is the

11       deceased, she go up there with me.

12          A     Yes, sir.

13          Q     What are you talking about? You are

14       talking about going up to New York, aren't you?

15          A     Yes, sir.

16          Q     Referring to the transcript dated April

17       14, this would be page 123, Mr. Brave, there was a

18       question and the question was: What was the

19       purpose of taking Debbie Veney -- this would be

20       line 11, right in the middle of the page. You got

21       it?

22                   What was the purpose of taking Debbie

23       Veney with you to New York? Answer: --

24                   MR. BRAVE: I got it.

25          Q     This is you speaking -- I just took her,

1 she was to hold the drugs for me on the way back.

2 A Yes, sir.

3 Q So, at least as to Deborah Veney and her  
4 involvement with you, you have her being one of  
5 these mules or carriers from New York back to  
6 Baltimore so that it is a woman carrying the drugs  
7 rather than a man, man being you?

8 A On that occasion, I only had -- I took  
9 Debbie up one time to New York with me. That is  
10 the first time that myself -- and we was together,  
11 that, that day before to her house, you know, in  
12 bed and we both was getting high. Then I was to  
13 leave to go to New York and she went with me so we  
14 could continue our sexual relationship when we get  
15 to New York City.

16 Q Well, according to your answer under  
17 oath, you took her up there to transport drugs for  
18 you. That's what you said?

19 A Yes, sir.

20 Q Isn't that right? Now, let me go  
21 further, and, Mr. Brave, I'll be referring you to  
22 pages 178 and page 180. As to page 178, it would  
23 be lines 11 through 16; page 180, line 5,  
24 thereafter of the April 13th transcript.

25 MR. BRAVE: I am sorry, Mr. Tayback.

1       Sorry.    Slower.

2               MR. TAYBACK:   April 13.

3               MR. BRAVE:    What page?

4               MR. TAYBACK:   Page 178.

5               MR. BRAVE:    Okay.   Got it.

6               MR. TAYBACK:   Also 180.

7           Q     Mr. Boyce --

8           A     Yes, sir.

9           Q     -- in response to a question asking how

10       your drug operation works and how the selling

11       works, the question is:   How does that work?

12       Answer:   Well, I work like this, I work from -- I

13       work from Denise's house, right, for two reasons.

14       A     Yes.

15       Q     Only work six days a week.

16       A     Yes, sir.

17       Q     I work from Denise's house for two

18       days.

19       A     Yes, sir.

20       Q     I go from Denise's house -- that's the

21       one on Manchester Avenue, isn't that right?

22       A     Yes, sir.

23       Q     I go to Bey's house.   Bey's house is the

24       one at 862 West Fayette Street?

25       A     Yes, sir.

1           Q       I work there two days. From Bey's house  
2       I work at the motel. Would that be what, the  
3       Quality Inn or one of those Inns on Reisterstown  
4       Road?

5           A       Yes, sir.

6           Q       I work at the motel, I work for two  
7       days. I go to California Debbie.

8                   California Debbie is Debbie Veney, is  
9       that right?

10          A       Yes, sir.

11          Q       I worked there two days. I keep jumping  
12       around. Okay.

13                   Now, page 180. Do you remember  
14       yesterday, Mr. Boyce, telling us that you didn't  
15       use Deborah Veney's house, you also didn't use  
16       Jeanette Brown's house?

17          A       Yes, sir.

18          Q       Are you saying now you did use it or  
19       didn't use it?

20          A       I never sell drugs out of the house.  
21       Never sell drugs out of Debbie house, never sell  
22       drugs out of Jeanette house, never sell drugs out  
23       of, am, the house on the east side. I never sell  
24       drugs out of the house.

25          Q       Question: I'm just asking you when you

1 go to Jeanette's house and sell out of Jeanette's  
2 house?

3 A No, no. Never sell any drugs out of  
4 Jeanette's.

5 Q Fine. That is your answer today. That  
6 was your answer yesterday. What was your answer  
7 on April 13, 1987? See what that says?

8 A Say yes.

9 Q That was your answer on April 13th. How  
10 about April 14th? Let's see if your answer  
11 changed at that time.

12 Now, I'm asking you the questions rather  
13 than Mr. Brave and I ask you Question: --

14 MR. BRAVE: Page?

15 MR. TAYBACK: This is page 108. I'm  
16 sorry. Page 108, April 14, line 8.

17 MR. BRAVE: Your Honor, may I just  
18 inform Mr. Tayback and the Court the copy I have  
19 doesn't have, in some cases doesn't have the  
20 numbers of the pages reproduced so I'm having a  
21 little difficulty finding the spots.

22 Q Mr. Boyce, on that date I asked you,  
23 Question: You sold drugs from Deborah -- from  
24 California Debbie's house? What was your answer  
25 on that date?

1           A     It say yes.

2           Q     It says yes, sir. That's you saying  
3 yes, right?

4           A     Yes, sir.

5           Q     Yes. You sold drugs from Jeanette  
6 Brown's apartment, what was your answer?

7           A     Yes.

8           Q     You sold drugs from Nellie Chew's house,  
9 what was your answer?

10          A     Yes.

11          Q     You sold drugs from other locations?  
12 What was your answer?

13          A     Yes.

14          Q     Mr. Boyce, yesterday we also had some  
15 questions about your knowledge or your prior  
16 knowledge of the handgun.

17          A     Yes, sir.

18          Q     The 357 Magnum.

19          A     Yes, sir.

20          Q     And you indicated to us yesterday that  
21 when you had testified in April that you really  
22 hadn't lied, you just hadn't told the truth?

23          A     No, I did not. I said that I did not  
24 say anything about the gun because you didn't --  
25 you asked me about the gun -- on one occasion you

1       asked me about the gun.   If I had seen Reuben  
2       Rainey with the gun when he was leaving Manhattan  
3       Avenue to go to catch a cab and I told you, no, I  
4       did not see the gun then.

5               Q       Yes, but you were a little bit  
6       misleading, weren't you, because on April 14, Mr.  
7       Brave, page 117, this would be line 17 through 20,  
8       I asked you --

9               MR. BRAVE:   Excuse me, Mr. Tayback,  
10       again I don't have page numbers.   I've got to --

11              MR. MURPHY:   It's this one.   Ready.

12              Q       All set?   Page 117, this would be April  
13       14, 1987, I asked you, and we are referring to  
14       when you got to Manchester Avenue.

15              A       Yes, sir.

16              Q       And Mr. Rainey is there.

17              A       Yes, sir.

18              Q       Question:   Did you see the gun or it  
19       says here, do you see the gun then?

20              A       Yes.

21              Q       Your answer is yes.   My question to  
22       you:   Where did the gun come from?   What do you  
23       think your answer was?

24              A       I can't remember, sir.

25              Q       Well, do you think you told the ladies

1 and gentlemen of that jury that the gun came from  
2 me, referring to yourself?

3 A No, I did not tell them that.

4 Q Do you think you told the ladies and  
5 gentlemen of that jury that the gun came from Bus  
6 Driver?

7 A No, sir, I did not tell the jurors that.

8 Q As a matter of fact, you told that jury,  
9 Answer: I don't know, sir.

10 A Yes, sir.

11 Q So, what you told them was essentially  
12 what I accused you of yesterday, just straight  
13 forward, straight out lying to that jury?

14 A Yes, sir.

15 Q Before we leave Deborah Veney let me  
16 just ask you one more time. You say today, you  
17 said yesterday that she wasn't a member of your  
18 organization, is that right?

19 A Yes, sir, she was not a member of my  
20 organization.

21 Q Let me go back then to a question that  
22 Mr. Brave asked of you on April 14, 1987.

23 Mr. Brave, this would be page 25, line  
24 22, bottom -- have it?

25 MR. BRAVE: There are several page



1       twenty-five's.

2               MR. TAYBACK:   One on page twenty-five,  
3       have that?

4               MR. BRAVE:   Yes.

5               Q       Mr. Brave after a series of questions to  
6       you then stands essentially -- think he stood over  
7       there and says, and this man right here, pointing  
8       to Reuben Rainey, just finished telling you --  
9       that would be at the house on Greenmount Avenue --  
10      that because Maggie -- Now, Maggie is what?   Is  
11      that the name you have for your handgun?

12              A       No, everybody call the gun --

13              Q       Everybody called the gun Maggie?

14              A       -- Maggie.   Everybody in New York call  
15      357 Magnum for short, they say like, all say, call  
16      it, a 357 Magnum Maggie.

17              Q       So that wasn't a particular name that he  
18      gave to the gun, that's what everybody calls the  
19      gun?

20              A       Yes, sir.

21              Q       Because Maggie was telling him to do  
22      something about it, he just killed this valuable  
23      member of your organization, that's Mr. Brave's  
24      words right to you, and what was your answer?

25              A       Yes.

1           Q     Mr. Boyce, yesterday you indicated to us  
2     that perhaps the reason the people, that is,  
3     Reuben Rainey and Nellie Chew and Joanne Blunt,  
4     had to go to Deborah Veney's house to get the  
5     drugs is because you had told them at some point  
6     before they left, after they had delivered you to  
7     the Greenmount Avenue address, don't come back?

8           A     Yes, sir.

9           Q     Now, that was a new one. Did you say  
10    that on April 15th, 1987? Do you remember saying  
11    that ever before?

12          A     I can't remember, sir.

13          Q     Let me refresh your memory then.

14                Mr. Brave, I'm going to refer to page  
15    31, page 32, page 49, page 50, page 51.

16                MR. MURPHY: What date, 15th?

17                MR. TAYBACK: 31 --

18                MR. MURPHY: What date?

19                MR. BRAVE: Give us a date.

20                MR. TAYBACK: April 15th.

21                MR. BRAVE: I am sorry, Mr. Tayback.

22    Please give me those again a little slower  
23    please.

24                MR. TAYBACK: Let me find my notes.

25    Page 31, April 15, 1987.

1 MR. BRAVE: Got you.

2 MR. TAYBACK: Lines 23, 25, then  
3 continuing on to page 32 at the the top, that  
4 would be line 1. All set?

5 MR. BRAVE: Go ahead. Thank you.

6 Q Mr. Boyce --

7 A Yes, sir.

8 Q -- while indicating in response to a  
9 question that -- and this was a long series of  
10 questions but at the bottom of the page you said  
11 that after the murders, after he had told you  
12 about the murders, I had told him that he should  
13 not have done anything like that; all he had to do  
14 was come and ask me for some drugs, I would have  
15 given him the drugs?

16 A Yes, sir.

17 Q So that's what you said on that date?

18 A Yes, sir.

19 Q Didn't just say it that one time. Let's  
20 go to page 49, Mr. Brave, line 20, continuing into  
21 page 50 and also continuing to page 51. Have all  
22 that?

23 MR. BRAVE: Yes.

24 Q Mr. Boyce, at that time I started to  
25 question you again and I indicated to you that,

1 Question: You had mentioned something in an  
2 earlier answer, Mr. Boyce, that's a problem for me  
3 in this case also. You said if either Reuben  
4 Rainey or Joanne Blunt or Nellie Chew had wanted  
5 any more drugs, you didn't understand why they  
6 would have gone over to Deborah Veney's, all they  
7 had to do was to go over to you on Greenmount  
8 Avenue. They obviously knew you had a lot of  
9 drugs over there?

10 A Yes, sir.

11 Q Your answer was, that's right. Yes.

12 A Yes.

13 Q You had just brought them down? Your  
14 answer again was yes?

15 A Yes, sir.

16 Q You had them on Manchester Avenue?

17 Answer: Yes.

18 A Yes, sir.

19 Q They were well aware of it? Your answer  
20 was that, and I must have cut you off, and I am  
21 sorry, Question: Blunt, Chew and Rainey, excuse  
22 me, Nellie Chew may not have been involved in  
23 that. Did you say it was only Blunt and Rainey  
24 who came down together with the drugs? Answer:  
25 Yes. Okay.

1           A     Yes.

2           Q     So at that point maybe only Reuben  
3 Rainey and Joanne Blunt knew about the drugs but  
4 -- Question: So you got Nellie maybe not knowing  
5 about that but got Joanne and Reuben Rainey  
6 bringing the drugs to Baltimore? Answer: Reuben  
7 Rainey didn't bring the drugs to Baltimore. I did  
8 not know he was even coming to Baltimore.

9           A     Yes, sir.

10          Q     Question -- Again this is me asking you  
11 -- What prevented them -- that's referring to  
12 Joanne Blunt and Reuben Rainey -- what prevented  
13 them, if you can tell us, what prevented them from  
14 getting the drugs for free from you whenever they  
15 wanted them, either Saturday or Sunday or Monday,  
16 simply by going back to Greenmount Avenue which is  
17 where you were and they knew you were there  
18 because you said they took you over there?

19          A     Yes, sir.

20          Q     Your answer was, uh-huh, which is  
21 affirmative?

22          A     Yes, yes.

23          Q     Yes, right?

24          A     Yes.

25          Q     Question: What, if you can come up with

1 any explanation, prevented them from going over  
2 there and getting the drugs for free? Your answer  
3 was what?

4 A Do not know.

5 Q I don't know?

6 A Yes.

7 Q Question: There is no explanation?

8 Answer: There is no explanation.

9 A No explanation.

10 Q So, yesterday somehow or the other you  
11 magically have come up with an explanation because  
12 you realize it doesn't make any sense, your story  
13 that they have to go to Deborah Veney's house to  
14 get drugs when you have got ounces and ounces and  
15 ounces of drugs that they can get for free, isn't  
16 that true?

17 A Yes, sir.

18 Q Now, Mr. Boyce, where we were when we  
19 left off then was as follows: --

20 A Excuse me.

21 Q -- you are in the Baltimore City Jail?

22 A Yes, sir.

23 Q You are in the population of the  
24 Baltimore City Jail?

25 A Yes, sir.

1           Q     And you say that you are with Easy  
2 Cooper and Bobbie Bird Robinson and Reuben Rainey?

3           A     Yes, sir.

4           Q     And you are discussing your fates,  
5 you're bemoaning your fates, you are wondering why  
6 you have to be there, is that right?

7           A     We was talking that reason why we get  
8 busted, you know, and it's through Rudy that  
9 everybody gets busted.

10          Q     So you are blaming the bust on Rudy even  
11 though it is your drugs, your money, your  
12 paraphernalia, your guns, you blame it on him  
13 because he was the fool who brought the police to  
14 the house?

15          A     Yes. Yes, sir.

16          Q     So he's to blame. However, blame to you  
17 is a relative term, isn't it, because who did you  
18 really want to take the blame? Let me give you  
19 some hypothetical examples. Was it you who you  
20 wanted to take the blame?

21          A     If, if I had to take, if I had, had to  
22 take the blame for my drugs, I take the blame.

23          Q     So you say if you had to take the blame  
24 because they're your drugs, you would take the  
25 blame, is that what you are saying?

1           A       Like I work out of Nellie Chew's house,  
2       right, Nellie know the rules. If the police come  
3       in her house and bust her house, she take the  
4       weight for the drugs, so it's her drugs.

5           Q       As a matter of fact that's exactly what  
6       you wanted to do, wasn't it? You wanted to say,  
7       hey, these may be my drugs, this may be my  
8       operation, Nellie doesn't even work for me because  
9       I don't have an organization but the house is in  
10      her name, the lease is in her name?

11          A       Yes.

12          Q       There is nothing in my name, that's the  
13      name of Leroy Boyce, because if the heat comes  
14      down, it gets deflected away from me and it is  
15      going to bounce on her?

16          A       Yes.

17          Q       You wanted Nellie Chew to take the  
18      weight for the drugs, didn't you?

19          A       Yes, sir.

20          Q       That's what you were working on over at  
21      the City Jail, wasn't it?

22          A       Yes, sir.

23          Q       You even hired a lawyer for her so that  
24      she could end up getting out on the streets so she  
25      would feel better about you so that she could take



1 the heat for the drugs?

2 A Yes, sir.

3 Q So that's what we have there.

4 Now, Mr. Brave at the time previous had  
5 asked you a number of times about, I guess for  
6 want of a better term, a code of professional  
7 conduct among thieves and criminals and whatever  
8 you would describe yourself as, and you basically  
9 I think would say that there is some sort of code  
10 of conduct among criminals, is that right?

11 A Yes, sir.

12 Q That code of conduct is that which you  
13 have just discussed which is you take your own  
14 weight?

15 A It coming in certain cases where you  
16 have to take your own weight.

17 Q If you can't get out of it otherwise?

18 A Yes, sir.

19 Q So, if it comes down to you have to take  
20 your own weight, you take your own weight, right?

21 A Yes, sir.

22 Q Now, you are the same individual who  
23 claims to have been at the City Jail and overheard  
24 this person right here speaking in front of you  
25 and speaking in front of Eddie Easy Cooper and

1 Robert Bobbie Bird Robinson?

2 A Yes, sir.

3 Q And discussing the murders of these two  
4 people in a cavalier fashion, laughing about them,  
5 joking about them, saying what he did here and  
6 what he did there and that it was over thirty-five  
7 dollars, is that right?

8 A Yes, sir.

9 Q Well, let me remind you again of this  
10 code of conduct and then, Mr. Brave, this would be  
11 again the April 14th transcript, page 61, this  
12 would be line 14 through 18.

13 Mr. Boyce --

14 A Yes, sir.

15 Q -- Mr. Brave was asking you about those  
16 conversations at the City Jail that you remember  
17 so well and he asked you a question, right, so  
18 where did the discussion lead from there?

19 Answer: --

20 MR. BRAVE: Objection, Your Honor. Like  
21 to approach the bench.

22 THE COURT: Approach the bench.

23 (Whereupon, counsel and the Defendant  
24 approached the bench and the following conference  
25 ensued:)

1           MR. BRAVE: The answer elicited at the  
2 time from Mr. Boyce was hearsay, hearsay of the  
3 Defendant, and just because it was let in the  
4 first time, I don't see why I don't have a right  
5 to object to it this time.

6           MR. TAYBACK: Well, I think the response  
7 to that is extremely simple. Do we suddenly allow  
8 for the State to introduce these conversations  
9 over at the City Jail through Robert Robinson, for  
10 example, because they are considered to be  
11 statements against the penal interests of my  
12 client and, therefore, exceptions to the hearsay  
13 rule and excise the portions that the State  
14 doesn't want to come in? Is that what we do or do  
15 we decide that the total matter --

16           MR. BRAVE: I withdraw the objection.

17           THE COURT: Just a minute, gentlemen. I  
18 thought we had all agreed, whether we are dealing  
19 with it on a legal basis or not, but this jury is  
20 here to consider the evidence in this case, I  
21 thought that we all agreed there was a possibility  
22 at some point that it may come out that this is a  
23 retrial but that nobody would highlight that  
24 point.

25           MR. TAYBACK: I'm trying as much as

1 possible not to highlight. I don't know what else  
2 I can do.

3 THE COURT: You are the one who said you  
4 told that jury and I thought we had been going to  
5 use the word prior proceeding.

6 MR. TAYBACK: I'll try then, Your  
7 Honor. I think I did say that once.

8 THE COURT: No, you said it twice.

9 MR. TAYBACK: I did. I'm trying to be  
10 very careful about that. I mean, it's almost  
11 impossible not to say that in the appropriate  
12 circumstances but I know that at other times I  
13 have used words about previously.

14 THE COURT: You have up until now, then  
15 I couldn't -- I thought we had an understanding,  
16 because this jury is asking a lot of questions, I  
17 don't want them to get sidetracked because I can  
18 see them now asking a question of what happened in  
19 the other proceeding and that's --

20 MR. TAYBACK: Maybe appropriate to  
21 fashion an instruction in that regard.

22 THE COURT: I want to just stay away  
23 from it if we could, but I'm asking, counsel,  
24 let's not -- it may come a time when they confront  
25 the fact that it is a retrial, but I'm asking you

1 not to make an affirmative effort to let them know  
2 that this is a second trial. All right.

3 (Whereupon, counsel returned to the  
4 trial table and proceedings resumed in open  
5 court.)

6 BY MR. TAYBACK:

7 Q Now, going back to the question I was  
8 asking of you referring back to Mr. Brave's  
9 question of you, so where did the discussion leave  
10 from there? Answer: Well, Rudy -- that's you  
11 talking -- well, Rudy, we had many conversations  
12 over the homicide, we had many conversations over  
13 the narcotics, one came over the homicide, Rudy  
14 told me, Poppy, that's your murder.

15 A Yes, sir.

16 Q And the question was, that's your murder  
17 -- that's Mr. Brave -- that's your murder?

18 A Uh-huh.

19 Q Answer: That is my murder. So  
20 according to you you have got this code of  
21 professional conduct among criminals where they  
22 take the weight for what they have done?

23 A Yes, sir.

24 Q And you have got him standing with you  
25 in the City Jail saying that's your murder?

1           A       Yes, sir.

2           Q       That's exactly what you claim happened,  
3       that he's not taking the blame for what you did?

4           A       I did not kill nobody, sir.

5           Q       I don't expect you to sit up there and  
6       say you did.

7           A       Yeah, he asked me that question. Rudy  
8       asked me, he say, that's your murder, I say my  
9       murder, I say you got to be crazy. Probably on  
10      that statement I did not finish my sentence.

11          Q       Well, you went on. You went on. As a  
12      matter of fact, I find in here, it says I said you  
13      must be crazy. So that's what you feel, right, he  
14      must be crazy to accuse you of the murder?

15          A       Yes, sir.

16          Q       Well, let me ask you this question.  
17      When you are over at the City Jail and talking  
18      about this and having, everybody is having a good  
19      old time talking about these two people being  
20      killed, was there any conversation whatsoever --

21               MR. BRAVE: Your Honor, I don't believe  
22      any evidence there everybody was having a good old  
23      time, just the defendant was.

24               MR. TAYBACK: Strike that.

25               THE COURT: Sustained.

1           Q       When the Defendant was having a  
2 wonderful time discussing -- that's my error and I  
3 am sorry -- your testimony or Mr. Robinson's  
4 testimony is the Defendant is having a hilarious  
5 time talking with you folks and you continue  
6 conversation after conversation about it?

7           A       Yes, sir.

8           Q       Any conversation ever about the return  
9 of the money?

10          A       About --

11          Q       The thirty-five dollars?

12          A       The thirty-five thousand dollars?

13          Q       Yes.

14          A       The thirty-five thousand? Which money?  
15 The money that I had lost?

16          Q       No, forget the thirty-five thousand,  
17 concentrate on the thirty-five. Same numbers but  
18 one is thirty-five thousand the other is  
19 thirty-five dollars.

20          A       Yes, sir.

21          Q       Was there any conversation over there  
22 about the return of the thirty-five dollars?

23          A       Yes, sir.

24          Q       There was?

25          A       Yes, sir.

1 Q Well, what was that conversation?

2 A Rudy, Rudy say that she was going to  
3 give him back the thirty-five dollars, that, that  
4 as she was going upstairs to get the thirty-five  
5 dollars for him but she keep running off with her  
6 mouth and --

7 Q She just got killed then?

8 A -- and that's when Maggie started  
9 kicking.

10 Q Maggie started kicking?

11 A Yes, he said don't let that bitch talk  
12 to you like that.

13 Q Who is saying that to whom?

14 A Rudy said she was going to give -- she  
15 was going up the stairs to give him the  
16 thirty-five dollars, you know, in her bedroom to  
17 get -- she was going upstairs in her bedroom to  
18 get the thirty-five dollars.

19 Q So she has to go up the stairs?

20 A Up the stairway.

21 MR. BRAVE: Wait a minute. Like the  
22 witness to be able to finish his answer, Your  
23 Honor.

24 THE COURT: Also, Mr. Tayback, I'm  
25 interrupting.



1 Mr. Boyce --

2 A Yes, sir.

3 THE COURT: -- would you also talk --  
4 let the jury know who the she is. You are talking  
5 about Maggie and apparently you are talking about  
6 Deborah Veney. Let us know what you are talking  
7 about.

8 Q Yes. That's what I'm trying to do. Try  
9 to tell us who is going up the stairs, who is  
10 talking.

11 A Okay. Rudy said that Deborah,  
12 California Debbie, was going to give him back the  
13 money. She was going upstairs, which is Deborah,  
14 California Debbie, she was going upstairs to get  
15 him the money and Maggie, which is the 357 Magnum,  
16 was -- Debbie was running off at the mouth, and  
17 Maggie started kicking, which is the 357 Magnum,  
18 and he took the pistol out and shot her in the  
19 head.

20 Q Well, let me ask you a question. Where  
21 was Maggie kicking him?

22 A In his butt.

23 Q Would that indicate then that Maggie was  
24 somewhere around his butt?

25 A That indicate that Maggie was in the

1 waistband, you know, in the back of his --

2 Q Back of his pants?

3 A Yes, sir.

4 Q Is that right?

5 A Yes, sir.

6 Q Somehow or the other Maggie is -- did

7 you say she was talking to him, by the way, or she

8 was just kicking him?

9 A She -- he say Maggie was kicking him.

10 He talk to the gun. I seen him talk to the gun

11 already.

12 Q Now, this is your gun?

13 A Yeah, but I, after I --

14 Q I --

15 A -- I seen him talk to the gun. He talk

16 to the gun.

17 Q So, anyhow, this gun is talking to him,

18 he's not talking to the gun like you say you seen

19 him but the gun is talking to him?

20 A He said the gun was kicking him.

21 Q And the gun is kicking him?

22 A Yes.

23 Q So I guess the gun kicked him into

24 action, right?

25 A He said the gun was kicking him in his

1 butt and the gun tell him --

2 Q So the lady gets killed?

3 A -- Maggie tell him do not let that bitch

4 talk to you like that.

5 THE COURT: That's the gun talking?

6 A That's the gun talking.

7 Q So the gun is not just kicking, it's

8 talking?

9 A Yes, sir.

10 Q And so in response to the gun kicking

11 and talking, the lady gets killed?

12 A Yes, sir.

13 Q Now, my question to you was,

14 essentially, was the money, the thirty-five

15 dollars, ever returned?

16 A I don't know, sir. He never mentioned

17 if he got the money back or not.

18 Q It was never any conversation then that

19 you overheard or was directed at you or anything

20 that you know to indicate that the money was ever

21 gotten by Reuben Rainey?

22 A Say the question over, sir.

23 Q He didn't get the money, is that

24 correct?

25 A He never said if he get the money back

1 or not.

2 Q How about drugs, did he get drugs?

3 A No, sir.

4 Q So he didn't get the money and he didn't  
5 get the drugs?

6 A No, sir.

7 Q And then Maggie talking and Maggie  
8 kicking, he heads out the door and somehow or the  
9 other heads over to your house?

10 A They came over to Greenmount Avenue.

11 Q To tell you all about it?

12 A Yes, sir.

13 Q This conversation was repeated numerous  
14 times over at the Baltimore City Jail?

15 A Yes, sir.

16 Q This was the topic of conversation.  
17 This was the topic of conversation?

18 A Yes.

19 Q Do you remember during what time frame  
20 this was? Can you give us ---

21 A Excuse me?

22 Q If not exact, can you give us a time  
23 frame? If not exact dates, can you give us some  
24 sort of time frame for these conversations?

25 A Well, only time we could be conversating

1       about the incident first was at receiving in the  
2       jail, in receiving and you come out I think 6  
3       o'clock in the morning, 7 -- no, after 7. You  
4       come out after they lockout, after 7.

5               Q       Not so much the times but the date, can  
6       you give us something about that?

7               A       Well, the one conversation about it down  
8       receiving. We spent -- it was -- spent  
9       approximately seven days in receiving.

10              Q       Were you all together in receiving?

11              A       We was all in the same section.

12              Q       All right. So you have got that seven  
13       day period?

14              A       Yes.

15              Q       That's when these conversations took  
16       place?

17              A       During that seven day period the  
18       conversation took place.

19              Q       Immediately after your arrests, which  
20       would be June 19th, 1986, we know that date?

21              A       Yes, sir.

22              Q       So approximately a week after that would  
23       take it between June 19th, 1986 and June 26th,  
24       1986, is that right?

25              A       If that calculation of time is right,

1       yes.

2               Q       Seven days from the 19th would add up to  
3       the 26th?

4               A       Yes, sir.

5               Q       So that's when these conversations are  
6       occurring?

7               A       Yes, sir, the conversation occur when we  
8       was in P dormatory.

9               Q       P dormatory's receiving?

10              A       No, is another part of the jail.

11              Q       When did you go there?

12              A       Approximately after seven, seven -- we  
13       stayed downstairs in receiving approximately about  
14       seven, then we move from receiving to the dorm  
15       they assign you to, then -- or the block they  
16       assign you to.

17              Q       These conversations continued, is that  
18       right?

19              A       Yes, sir.

20              Q       And they went on for week after week  
21       after week?

22              A       No, they didn't go on for week after  
23       week after week.

24              Q       They just stopped?

25              A       Yeah, because Reuben getting in a fight,

1       then he left.

2               Q       So, as a matter of fact, he wasn't even  
3       with you folks after the initial portion, was he?  
4       He was in a different section?

5               A       No. What I'm saying is we was in P  
6       dormatory for a while. Then after Reuben left  
7       from P dormatory and went on lockup, and Eddie  
8       Cooper left a week after, about a week or ten days  
9       after, I can't remember how long it was, he went  
10      on lockup.

11              Q       Well, you've mentioned Eddie Cooper  
12      before. I forget, Eddie Cooper is what to you?

13              A       Well, I used to live with his mother.

14              Q       How did you consider Eddie Easy Cooper?

15              A       As as my son.

16              Q       As your son?

17              A       Yes, sir.

18              Q       So you have got your son over there, you  
19      got his best buddy Bobbie Bird and you have got  
20      you and these are the witnesses over at the City  
21      Jail, nobody else heard these conversations?

22              A       No, sir.

23              Q       Just those people?

24              A       Yes, sir, just four of us. I mean, Bird  
25      Rudy and Easy.

1           Q     One final point, Mr. Boyce. You had  
2 indicated to us yesterday that a duffle bag or a  
3 gym bag was involved in this scenario basically  
4 because that was what Mr. Rainey carried the gun  
5 in after you gave it to him or after Bus Driver  
6 gave it to him?

7           A     Yes, sir.

8           Q     And that this gym bag or duffle bag was  
9 brought down from New York by you?

10          A     Yes, sir.

11          Q     Because it fit on the top of the car?

12          A     It was in the trunk of the car. It  
13 wasn't on the top.

14          Q     It was in the trunk of the car?

15          A     Yes, sir.

16          Q     Now, what, if anything, did Mr. Rainey  
17 have in his hands when he's coming down to  
18 Baltimore from New York for you that would have  
19 caused him to be unable to carry a simple gym bag  
20 on the train, which would certainly seem to be a  
21 normal thing to carry, especially when you have  
22 Joanne Blunt carrying packages for you?

23          A     Well, he had a bag, the bag was like  
24 this long and like this high with clothes in it,  
25 right.



1 Q Anything unusual about it?

2 A It was more convenient, you know, to him  
3 to be loose than -- and the bag in the trunk of  
4 the car. A coke package is not -- it is just like  
5 this big. So, Joanne could take, could hold that  
6 in her pocketbook.

7 Q Just because it was more convenient for  
8 him, that's why you had to carry the gym or duffle  
9 bag, is that correct?

10 A Yes, sir.

11 Q Now, if you want to, I'll certainly show  
12 you your words.

13 Mr. Brave, this would be page 118 of  
14 April 14.

15 You, of course, told that jury the same  
16 story, is that right?

17 MR. MURPHY: What page?

18 A No, sir.

19 MR. BRAVE: 118.

20 Q Somehow that doesn't surprise me. You  
21 told them something else also, didn't you?

22 A What?

23 Q You told them something else also,  
24 didn't you?

25 A I never told the truth about the bag,

1 about bringing the bag to Baltimore.

2 Q As a matter of fact, you said previously  
3 that it just somehow -- in response to my question  
4 to you about it magically appearing in Baltimore,  
5 you said yes?

6 A Excuse me?

7 Q You said yes.

8 A That Rudy magically appeared in  
9 Baltimore, I said yes to that question.

10 Q That the bag magically appeared?

11 A Excuse me?

12 Q That the bag -- do you understand what  
13 I'm saying?

14 A No, I don't understand what you saying.

15 Q Question: Where did the duffle bag come  
16 from, where did the clothes come from? Answer: I  
17 don't know, sir.

18 A That is an inquire -- you asked me that  
19 question --

20 Q Yes.

21 A -- and I told you no.

22 Q You couldn't even tell the truth about  
23 something like that, a duffle bag or a gym bag?

24 A Like why -- I explain what I'm -- you --  
25 I talk to my lawyer and I didn't want to say that

1 I brought Rudy down here to take care of like a  
2 homicide for me, would take care of the money,  
3 care of the money with Carlos. I didn't want to  
4 tell the jury that I had brought him down here and  
5 I didn't want -- we -- I didn't talk to no lawyers  
6 or nothing. I didn't know what my rights --

7 Q You are not actually trying to tell  
8 these people here that your lawyer told you to lie  
9 on the stand?

10 A No, my lawyer never told me to. The  
11 lawyer told me to tell the truth on the stand.

12 Q But you didn't do that?

13 A I did not talk to my lawyer then. I did  
14 not talk to nobody then.

15 Q Because you didn't talk to your lawyer  
16 then because you talked to nobody then, it was  
17 much easier for you to lie than to tell the  
18 truth?

19 Certain things come easier for you than  
20 others and lying is one of them?

21 A No, sir.

22 Q Where did you get the money for the  
23 lawyer for Nellie Chew?

24 A I had some money left over from -- I had  
25 brought -- I was going to buy a Rockwood, a mobile

1 home.

2 Q We have thirty-five thousand dollars  
3 missing or maybe it's thirty-one thousand dollars  
4 missing, you are not even sure how much money you  
5 have?

6 A I wasn't sure how much money it was.

7 Q Money isn't that important to you. You  
8 have had thirty-one thousand to thirty-five  
9 thousand taken from you because -- you were going  
10 to use that to buy a mobile home?

11 A I was going to buy a mobile home, yes.

12 Q What, a Winnebago?

13 A Yes, a Winnebago.

14 Q You seem like the camping sort to me.  
15 So you have forty-five hundred dollars from a  
16 Rockwood mobile home?

17 A I have put the forty-five -- I put five  
18 thousand dollars down on the Rockwood.

19 Q So now you are going to have a  
20 thirty-five thousand dollar Winnebago and a five  
21 thousand dollar plus Rockwood?

22 A The Rockwood is a Winnebago. The name  
23 of the --

24 Q The same thing?

25 A The same thing.

1           Q       So when we are talking about a Rockwood  
2       and talk about a Winnebago, just concentrate on  
3       one mobile home for Leroy Boyce?

4           A       Yeah.

5           Q       Now, where did this forty-five hundred  
6       dollars come from? Out of all the people in the  
7       world who would be holding this for you?

8           A       The person who had -- I had -- I --  
9       Rerun girl which is Tyrone, Tyrone girlfriend,  
10      Tina, she had -- is the one who signed for -- had  
11      her to sign for the mobile home for me and she is  
12      the one who had the money to go -- Give her the  
13      money to deposit it on the Rockwood.

14          Q       So, this is what, forty-five hundred  
15      dollars?

16          A       Five thousand dollars.

17          Q       Five thousand, excuse me. You know this  
18      amount very clearly, right, it was five thousand  
19      dollars?

20          A       We got back -- we got -- she got back  
21      forty-five hundred.

22          Q       And this girl, what's her name again?

23          A       Tina.

24          Q       Tina what?

25          A       I don't know her last name.

1 Q Just another person with one name?

2 A Rerun girlfriend.

3 Q Rerun's girlfriend?

4 A Yes.

5 Q Rerun is, of course, the one you  
6 couldn't even leave the girl with because he would  
7 probably sell it under you?

8 A Yes.

9 Q But anyway you gave his girlfriend five  
10 thousand dollars to put upon this Rockwood or  
11 maybe a Winnebago?

12 A Rockwood, Winnebago, whatever you call  
13 it.

14 Q You are the one to call it. So that's  
15 your story this time, is that right?

16 A Yes, sir.

17 Q So, basically we have you importing a  
18 person from New York who doesn't have a gun so you  
19 give him the gun, the 357 Magnum, so that he can  
20 take out a guy named Carlos?

21 MR. BRAVE: Objection, Your Honor.

22 THE COURT: I'll sustain the objection.

23 Q You bring Reuben Rainey down from New  
24 York --

25 A Yes, sir.

1 Q -- to take care of Carlos?

2 A Yes, sir.

3 Q After Deborah Veney is killed you want

4 Reuben Rainey to go back up to New York?

5 A Yes, sir.

6 Q How were you going to pay him for the

7 job on Carlos?

8 A I wasn't going to pay him.

9 Q He was going to do it for free?

10 A No. I wasn't going -- he didn't do

11 nothing for me.

12 Q Presumably you brought him down here to

13 do something?

14 A Yes.

15 Q Well, if he did the job that Rerun got

16 laid off for because he couldn't do it, what were

17 you going to pay him?

18 A I was going to pay Rudy.

19 Q What?

20 A Whatever he asked me for.

21 Q Whatever?

22 A Yeah.

23 Q Well, to get rid of him, to get him back

24 up to New York, why didn't you pay him off then?

25 A He didn't do nothing for me.

1           Q     Well, you got to get rid of him. You  
2 already say that you are worried about it because  
3 you know you have had the fights with the girl?

4           A     But he didn't do nothing for me for me  
5 to pay him.

6           Q     So because he doesn't do anything for  
7 you to pay him, even though he's got your gun,  
8 which is a murder weapon, a girl who worked for  
9 you or didn't work for, a girl who got into fights  
10 with you or didn't get into fights with you, and  
11 had you worried about it, you didn't bother to pay  
12 him off, whatever contract or non contract you  
13 had, so that you could get him out of town?

14          A     No.

15          Q     And, of course, that is the reason why  
16 he happens to be into town on June 19th, 1986,  
17 selling your drugs?

18          A     Rudy didn't sell -- wasn't selling no  
19 drugs to -- for me. Rudy left, Rudy left  
20 Baltimore after, after the killing, Rudy left  
21 Baltimore a couple of days after that. I can't  
22 remember exactly what day he left Baltimore, went  
23 back to New York City. He left with the gun. He  
24 say going to take it with him. He came back down  
25 here, I asked him what he come back down for. He



1       laid down here for a while, then he --

2               Q       Where is the gun?

3               A       He had the gun then.

4               Q       Still here?

5               A       He still have the gun when he went.

6               Q       The gun is going back and forth?

7               A       Back and forth to the city. He went  
8 back to New York City with the gun again. For  
9 personal reasons. He came back to Baltimore.  
10 Then a couple of days before the 19th he left and  
11 went back to New York City.

12               I say, man, you got to go, man, you got  
13 to go, and I tried to plead with him all out to  
14 leave and go back to New York City and take the  
15 gun and get rid of the gun. Then he left on that  
16 day.

17               Q       And here he is on June 19?

18               A       He left on that day and I can't remember  
19 if the next day or two days after he called me. I  
20 don't know if he was in Baltimore at the time or  
21 New York, he say he coming back down here. We  
22 spoke on the phone. Then Easy came down and  
23 Bobbie came down on that same day and that was the  
24 18th.

25               Q       So you are saying that Easy and Robert

1 Robinson and Reuben Rainey --

2 A Yeah.

3 Q -- all came down on the day --

4 A No, no. Yeah, they came down the same

5 day but Rudy came down the nighttime.

6 Q But the same day they all come down?

7 A Rudy came in the nighttime. Bob and

8 them came earlier that day.

9 Q This is the person who you have to get

10 rid of, right?

11 A Yeah.

12 Q And you are absolutely upset about the

13 whole situation?

14 A Yeah.

15 Q And he is there outside 862 West Fayette

16 Street June 19th selling your drugs, isn't that

17 right?

18 A He wasn't selling drugs.

19 Q Let me see if I can get a yes or no,

20 then you can expand upon it.

21 A He was --

22 Q Yes or no?

23 A He wasn't selling. No.

24 Q Whose drugs were they?

25 A Rudy left from -- we left Rudy on

1 Manchester Avenue. We left Rudy down Manchester  
2 Avenue on the 19th. We went to Nellie Chew's  
3 house, me, Bobbie, Jeanette and Easy.

4 Q Whose drugs were they?

5 A It was my drugs to, to Nettie's house.

6 Q Who supplied the drugs from you to  
7 Reuben Rainey?

8 A Well, I fell asleep there because I was  
9 up for a couple of days.

10 Q I know you told us that yesterday.

11 A Whose drug? I don't know. I woke, Easy  
12 say he give, he said, Rudy three hundred dollars,  
13 he give Rudy three hundred dollars worth of drugs.

14 Q All right. So can you answer me a yes  
15 or no on this, the drugs that end up in police  
16 custody on June 19th, 1986, that caused this house  
17 to be raided a few hours later, that causes your  
18 arrest, which causes you to be in jail to this  
19 date --

20 A Yes.

21 Q -- were your drugs?

22 A Yes, sir, were my drugs.

23 Q Came from you through Edward Easy Cooper  
24 to Reuben Rainey --

25 A Yes.

1 Q -- to a Baltimore City Police Officer?

2 A Yes, sir.

3 Q Thank you.

4 A Yes, sir.

5 Q I have no further questions.

6 MR. BRAVE: Thank you, Your Honor.

7 CROSS EXAMINATION

8 BY MR. BRAVE:

9 Q Mr. Boyce --

10 A Yes, sir.

11 Q -- did you either kill or order the  
12 killings of Deborah Veney and Peaches Johnson?

13 A No, sir.

14 Q Where were you when those two women were  
15 killed between 4 and 5 o'clock in the morning of  
16 June the 2nd, 1986?

17 A I was at Greenmount Avenue, myself and  
18 Robin Robinson.

19 Q Mr. Boyce, I don't want you to repeat in  
20 detail again --

21 A Speak a little louder please, sir. I  
22 can't hear.

23 Q I don't want you to repeat in detail  
24 again all the details of your drug organization  
25 but you were a large sized drug dealer?

1           A     Yes, sir.

2           Q     You used to go to New York once a week  
3 or so and bring back anywhere from twenty-four  
4 thousand to thirty thousand dollars worth of  
5 drugs?

6           A     Well, I -- you would like -- yes. Yeah.

7           Q     I mean, let's face it, you were pretty  
8 big?

9           A     Yes, sir.

10          Q     You didn't sell all those drugs, some of  
11 it you used yourself?

12          A     Yes, sir.

13          Q     Some of it you gave away to your women?

14          A     Yes, sir.

15          Q     As a matter of fact, Mr. Boyce, you used  
16 those drugs to get your tendrils -- you know what  
17 I mean by tendrils?

18          A     No, sir.

19          Q     Your spikes into those women? Let me  
20 say this. Joanne Blunt --

21          A     Yes, sir.

22          Q     -- did you used to charge her for the  
23 drugs?

24          A     If I --

25          Q     Did you used to charge Joanne Blunt for

1 the drugs that she got from you?

2 A No.

3 Q Same is true with Denise Coleman, right?

4 A Yes, sir.

5 THE COURT: Mr. Brave, will you excuse  
6 me just one minute. Everyone remain seated.

7 (Pause.)

8 THE COURT: Mr. Brave.

9 MR. BRAVE: Yes, thank you, Your Honor.

10 BY MR. BRAVE:

11 Q Mr. Boyce --

12 A Yes, sir.

13 Q -- you started dealing drugs here in  
14 Baltimore about how many years ago?

15 A In late '82, early '83 probably.

16 Q The first woman you met here was Denise  
17 Coleman?

18 A Yes. That was one of the first women I  
19 met.

20 Q All right. Denise Coleman became part  
21 of your drug operation?

22 A We was living together at the time.

23 Q You used to give her cocaine?

24 A Yes.

25 Q You used to pay her rent?

1           A     Yes, sir.

2           Q     She became dependent on you?

3           A     Yes, sir.

4           Q     She got her drugs from you?

5           A     For to use for herself, yes, sir.

6           Q     Yes, sir.

7           A     Yes, sir.

8           Q     Then you met Bey or Nellie Chew after

9     that?

10          A     I met Joanne.

11          Q     First before Bey?

12          A     I think I met Joanne -- no, I met Robin

13     -- I think I met Robin, then I met Joanne, then I

14     met Bey. Something like that.

15          Q     Whichever order you met them in --

16          A     Yes, sir.

17          Q     -- eventually every one of these women

18     you were supplying drugs to? You were their candy

19     man?

20          A     Yes, sir.

21          Q     You were supplying other gifts to them?

22          A     Yes.

23          Q     You were helping them out?

24          A     Yes, sir.

25          Q     You had a gross of a million dollars

1 plus a year to play around with, didn't you?

2 A Yes, sir.

3 Q So, I mean, it was nothing to have a  
4 house on Manchester -- eventually have a house on  
5 Manchester, right?

6 A Yes, sir.

7 Q A house on 862 West Fayette Street  
8 subsequently?

9 A Yes, sir.

10 Q A house, a stash house over at Robin's  
11 house on Oakland Avenue?

12 A Yes, sir.

13 Q Another house that you had set up Joanne  
14 Blunt in?

15 A Yes, sir.

16 Q There was money for that?

17 A Yes, sir.

18 Q There was money for the kids of these  
19 women on special occasions?

20 A Yes, sir.

21 Q There was money for food on their table?

22 A Yes, sir.

23 Q And you kept giving them drugs, didn't  
24 you?

25 A Yes, sir.



1           Q     The point being, let's face it, Mr.  
2     Boyce, these women would have done anything for  
3     you?

4           A     Yes, sir.

5           Q     Just about?

6           A     Yes, sir.

7           Q     Now, in addition to all these women who  
8     you used to operate out of their houses and supply  
9     them drugs and use them whenever you, you, you  
10    wanted to, you had to have another group of people  
11    around you to give you a little protection, right?

12          A     Yes, sir.

13          Q     I mean, a million and a half dollar  
14    operation you need some muscle around?

15          A     Yes, sir.

16          Q     I mean, when one of these drug dealers  
17    comes in to make a purchase you don't know whether  
18    he's going to try and knock off the house or not,  
19    you need your man there to make sure that he's not  
20    going to pull a fast one?

21          A     I need somebody there to watch the back.

22          Q     To watch?

23          A     To watch my back.

24          Q     To watch your back. And Rerun and Bus  
25    Driver used to supply that service for you?

1           A       Rerun really. Rerun is the one who  
2       supplied the service because Bus Driver had a  
3       regular job.

4           Q       And you weren't charging Rerun for the  
5       drugs?

6           A       No.

7           Q       I mean, you'd give it to him? You would  
8       give them whatever made them happy up to a point?

9           A       Yes, sir.

10          Q       Just to keep that balance going? Do you  
11       understand what I mean?

12          A       I give them drugs, I would give them  
13       drugs, right, but I wouldn't let them keep taking,  
14       you know -- nagging me.

15          Q       You wouldn't let them take advantage of  
16       you?

17          A       Yes, sir, I wouldn't let them get  
18       advantage of me.

19          Q       But you knew how much it took to keep  
20       them happy in drugs and money?

21          A       Yes, sir.

22          Q       And it was all coming out of you?

23          A       Yes, sir.

24          Q       So you have all these people who will do  
25       anything for you?

1           A     Yes, sir.

2           Q     Now, Deborah Veney --

3           A     Yes, sir.

4           Q     -- let's face it, you had a beef with

5 Deborah Veney?

6           A     Yes, sir.

7           Q     You remember one day over at 862 West

8 Fayette Street when Deborah Veney comes parading

9 in there with some young lady who you had never

10 seen before?

11          A     Her and two other girls came in, yeah.

12          Q     Right?

13          A     Yes, sir.

14          Q     That woman is named Deborah Pearson and

15 she told this jury about that incident earlier in

16 this trial.

17                Do you remember being upset at Deborah

18 Veney about her bringing some stranger into the

19 very heart of your organization?

20          A     Yes, sir.

21          Q     You didn't like that, did you?

22          A     No, sir.

23          Q     Is there any truth there to Deborah

24 Pearson's testimony that you whacked her on the

25 butt with a gun?

1           A       I can't remember hitting her with a gun  
2       in her butt but I remember talking to her, trying  
3       to embarrass her about bringing people that I  
4       don't know to people cut.

5           Q       Anybody within earshot would have --

6           A       Excuse me.

7           Q       Anyone within earshot, earshot who was  
8       able to -- anyone who was close enough to hear --

9           A       Yes, sir.

10          Q       -- would have known that you were pretty  
11       upset with Deborah Veney that day?

12          A       Yes, sir.

13          Q       Then on top of it, about a week before  
14       these killings, Deborah Veney is so upset at you  
15       that she scratches you?

16          A       Yes, sir.

17          Q       Deep scratches?

18          A       Yes, sir.

19          Q       You didn't like that?

20          A       No, sir.

21          Q       You gave her one hell of a beating after  
22       that, didn't you?

23          A       Yes, sir.

24          Q       I'm not suggesting she had to go to the  
25       hospital or anything.

1           A     No, sir, she did not go to the  
2     hospital. I don't think she went to the hospital.  
3           Q     But you just didn't hit her once --  
4           A     No, sir.  
5           Q     -- and leave, you hit her a lot of  
6     times?  
7           A     I hit her a couple of times, sir.  
8           Q     And hard?  
9           A     Yes, sir.  
10          Q     As a matter of fact, didn't you once  
11     tell me that her, somebody from her family came by  
12     and said you leave my daughter or my somebody  
13     alone?  
14          A     No, no nobody.  
15          Q     You don't remember that?  
16          A     Nobody said that to me, sir.  
17          Q     But you hit her back when she scratched  
18     you?  
19          A     Yes, sir.  
20          Q     And that was over the fact that you were  
21     fooling around with her cousin Jeanette?  
22          A     Can you explain that, sir?  
23          Q     Well, was it over Jeanette?  
24          A     Yes, it was. Can I explain it? You see  
25     --

1 Q Just tell me if it was over Jeanette.  
2 A It was over Jeanette, Jeanette, yes, sir  
3 but --  
4 Q Now, just a moment. I don't want to get  
5 lost in the forrest here. The point is, it was  
6 over Jeanette and she didn't like it and she  
7 scratched you and you beat the hell out of her?  
8 A Yes, sir.  
9 Q So you have got people all around you  
10 who will do anything you want them to do and  
11 you've got a woman who you had a beef with?  
12 A Yes, sir.  
13 Q And that woman turns up murdered about a  
14 week later --  
15 A Yes, sir.  
16 Q -- by the man you brought down to kill  
17 Carlos?  
18 A Yes, sir.  
19 Q Well, if anybody didn't know all that,  
20 you can understand why Mr. Tayback is trying to  
21 tell this jury that this -- maybe you --  
22 MR. TAYBACK: Objection.  
23 Q -- that maybe you --  
24 MR. TAYBACK: May we approach?  
25 MR. BRAVE: I'll withdraw the question.

1                   MR. TAYBACK: No, I don't want to. I  
2 want to approach.

3                   THE COURT: Approach the bench.

4                   (Whereupon, counsel and the Defendant  
5 approached the bench and the following conference  
6 ensued:)

7                   MR. BRAVE: Withdraw the question, Your  
8 Honor.

9                   MR. TAYBACK: Your Honor, the question  
10 is extraordinarily wrong and clearly indicates to  
11 the jury that which is improper to even suggest.  
12 Had it been suggested in closing argument, for  
13 example, it would be clearly grounds for  
14 reversal.

15                   I see no option at this point but to ask  
16 for a mistrial. He has indicated to this jury  
17 that I'm trying to manipulate the situation. It  
18 is clearly improper to make a, such a suggestion  
19 in that fashion without referring specifically to  
20 evidence and being very clear about it. It is  
21 just absolutely inappropriate by the State in its  
22 questioning of this witness.

23                   THE COURT: I don't know what the  
24 question was because you objected before he  
25 finished saying what he had to say.

1 MR. TAYBACK: The court reporter can  
2 read back the portion that I didn't get to object  
3 to before it was out and that in and of itself is  
4 so inflammatory that --

5 THE COURT: Would you read it back  
6 please?

7 (Whereupon, the reporter read back as  
8 requested.)

9 THE COURT: He hasn't said anything. .

10 MR. TAYBACK: He hasn't said anything, I  
11 beg to differ with the Court. What he says is Mr.  
12 Tayback is attempting to say to this jury if  
13 somebody didn't know better, what else do you  
14 need. The inference is so clear from that that he  
15 is saying that what I am trying to do is to  
16 mislead the jury into coming to a wrong  
17 conclusion, whereas, of course, his witnesses are  
18 right. It is an absolutely improper question in  
19 its foundation without even going further into a  
20 specific point.

21 THE COURT: When I say he hasn't said  
22 anything, I mean he hasn't -- there is nothing  
23 substantive to attack on the predicate that you  
24 are complaining about.

25 MR. TAYBACK: I agree. You don't have



1 the substance there. You certainly have the  
2 form. Just the form in and of itself is so  
3 inflammatory that it is improper. It is so  
4 impermissibly suggestive by the State to come up  
5 with that sort of format, to even ask, to even get  
6 into substance when he does something like that,  
7 without even getting into the substance he has  
8 said to this jury basically unless you know  
9 better, you might actually believe what Mr.  
10 Tayback is attempting to say to you. That in  
11 essence is exactly his predicate to whatever  
12 substance he was coming up with in the question,  
13 and it is highly improper to interject that into  
14 the case at this point.

15 I never said that about him. I could  
16 say the same thing about him and his crazy  
17 witnesses if I wanted to.

18 MR. BRAVE: I'm sure you will.

19 MR. TAYBACK: At the appropriate time in  
20 closing argument but I'll say it properly.

21 THE COURT: We are not going to start  
22 that.

23 MR. BRAVE: I withdraw the question. I  
24 won't do it again.

25 THE COURT: Let me just say this to

1     you. I have just gone through in the last  
2     eighteen months cases where counsel decided to  
3     start throwing or laying everything at the  
4     doorstep, of opening the door. We are not going  
5     to start that in this case.

6             The Court of Special Appeals has made it  
7     very clear this opening the door business just  
8     doesn't -- is not a carte blanche invitation for  
9     counsel to do whatever they want, saying he did it  
10    so I'm going to do it. It's not going to work  
11    that way.

12            MR. BRAVE: Very well.

13            THE COURT: But back to what I said  
14    initially. I still go back to my original point,  
15    that to ask me to grant a mistrial in a situation  
16    where counsel is suggesting that the State is  
17    inviting this jury that if they didn't know any  
18    better or, in essence, I assume is making a -- the  
19    complaint is that he is making a personal attack,  
20    I'm not going to grant a mistrial on that basis.

21            I'll give counsel the option, if counsel  
22    wants, for a curative instruction that the jury is  
23    to consider the evidence in this case but I'm not  
24    going to grant any mistrial at this point.

25            MR. TAYBACK: Your Honor, the Court not

1     having granted the mistrial, obviously my request  
2     is preserved for the record at this point, then I  
3     would ask that the Court would at this point  
4     attempt to cure by instructing the jury as  
5     follows, that the last question or portion of a  
6     question that Mr. Brave was about to ask was  
7     highly improper, that the jury should disregard  
8     it, it was inappropriate for him to even say such a  
9     thing and you are to be bound by the evidence in  
10    the case.

11               THE COURT: I will fashion the  
12    instruction the way I think it is proper and,  
13    counsel, you need not come back to the bench. I  
14    will at this point say that you have an exception  
15    to my curative instruction if it is not verbatim,  
16    the way you have just given it.

17               (Whereupon, counsel returned to the  
18    trial table and proceedings resumed in open  
19    court.)

20               THE COURT: Ladies and gentlemen, we are  
21    going to take a brief recess. You may go up to  
22    the jury room.

23               (Whereupon the Court recessed, following  
24    which the proceedings in this matter resumed:)

25               (Whereupon, the jury entered the

1 courtroom, after which the following proceedings  
2 ensued:)

3 THE CLERK: Mr. Brave, one second.  
4 State satisfied its witnesses have been  
5 sequestered?

6 MR. BRAVE: Yes.

7 THE CLERK: Defense satisfied?

8 MR. TAYBACK: Yes.

9 THE CLERK: Mr. Boyce, I remind you, you  
10 are still under oath.

11 THE WITNESS: Yes, ma'am.

12 BY MR. BRAVE:

13 Q Mr. Boyce, --

14 A Yes, sir.

15 MR. TAYBACK: Your Honor, I thought the  
16 Judge -- Excuse me. I thought the Court was going  
17 to give an instruction to the jury at this time.

18 THE COURT: All right, ladies and  
19 gentlemen, before we broke there was a question  
20 that had been prefaced by a comment by counsel  
21 regarding whether or not you or whether -- the  
22 remarks were basically personal remarks directed  
23 at opposing counsel. I'm instructing you at this  
24 point that you need concern yourselves only with  
25 the evidence in the case and we are not here for

1       personalities.

2               You are not to make a determination or  
3       try to decide whether or not you believe counsel  
4       is in any way presenting something that you --  
5       that in the view of opposing counsel is inaccurate  
6       or misleading. So I would ask that you disregard  
7       that remark.

8               Go ahead, Mr. Brave.

9               MR. BRAVE: Thank you, Your Honor.

10              Q       Mr. Boyce, --

11              A       Yes, sir.

12              Q       -- The point is that Mr. Tayback makes a  
13       very --

14              A       I can't hear you, sir.

15              Q       The point is Mr. Tayback makes a very  
16       valid point when he says that Joanne Blunt  
17       probably would do just about anything you say for  
18       you is true, isn't it?

19              A       Yes, sir.

20              Q       And he makes another valid point that  
21       Nellie Chew would probably for all the reasons we  
22       have gone into do just about anything --

23              A       Yes, sir.

24              Q       -- that you tell her to do for you?

25              A       Yes, sir.

1           Q     Including making up a story if  
2     necessary?  
3           A     Yes, sir.  
4           Q     And probably do that --  
5           A     Yes, sir.  
6           Q     -- if you asked them?  
7           A     Yes, sir.  
8           Q     Did you ask them?  
9           A     No, sir.  
10          Q     Deborah Blunt, do you know Deborah  
11     Blunt, Joanne's younger sister?  
12          A     Yes, sir. Yes, sir.  
13          Q     Now, Deborah was going with the  
14     Defendant Reuben Rainey, wasn't she?  
15          A     Yes, sir.  
16          Q     They were having a little thing  
17     together?  
18          A     Yeah, they had a relationship together.  
19          Q     Would Deborah Blunt do anything in the  
20     world that you asked her to do? What do you  
21     think?  
22          A     For some drugs, yes, sir.  
23          Q     She would?  
24          A     Yes, sir.  
25          Q     Drugs would make her do anything?

1           A     Yes, sir.

2           Q     Even if it meant telling a lie about the  
3 man that she is having an affair with?

4           A     Yes, sir.

5           Q     She would do that?

6           A     Yes, sir.

7           Q     Now, do you know Robert Robinson? Do  
8 you know who I mean by Robert Robinson? Not Robin  
9 but Robert Robin --

10          A     Bobbie Bird.

11          Q     Bobbie Bird.

12          A     Yes, sir.

13          Q     You have known Bobbie Bird a long time?

14          A     Yes, sir.

15          Q     You used to even work for Bobbie Bird?

16          A     Yes, sir.

17          Q     Bobbie Bird in some ways showed you the  
18 ropes?

19          A     I used to work for him. I knew about  
20 cutting drugs up and Bobbie had got shot on his  
21 hand, was -- he could not use his hand and he had  
22 taught me to work with him.

23          Q     You worked for him?

24          A     Yes, sir.

25          Q     Did he have anything to teach you or did

1       you know it all already?

2           A       I know a lot. I know it all.

3           Q       He had nothing to teach you?

4           A       No, sir.

5           Q       But still you worked for him?

6           A       Yes, sir.

7           Q       Then he went off to prison?

8           A       Yes, sir.

9           Q       And you went off to prison?

10          A       I went off to prison before him.

11          Q       You weren't in the same prison?

12          A       No. No, I went off to prison, then I  
13 came home. That when I started working with him.  
14 No, I was, I was locked up in Rucker's Island and  
15 when I came home -- I got parole from Rucker's  
16 Island -- I started working with Bobbie. Then I  
17 went to jail on a three, on a zero to three  
18 sentence in the State of New York and when I came  
19 home Bobbie went -- before I came home Bobbie went  
20 to jail.

21          Q       In other words, you first met Bobbie  
22 back -- about what year did you meet Bobbie, in  
23 the mid seventies sometime?

24          A       In maybe the early seventies I met  
25 Bobbie but I wasn't working for him then.



1           Q     But the point is from the early  
2     seventies to 1986 your relationship with Bobbie  
3     Bird was interrupted --  
4           A     Yes, sir.  
5           Q     -- from time to time by you going off to  
6     jail and then from time to time by him going off  
7     to jail?  
8           A     Yes, sir.  
9           Q     Now, would Bobbie Bird do anything in  
10    the world you told him to do?  
11          A     No, sir.  
12          Q     He's a little different than Joanne  
13    Blunt and Nellie Chew?  
14          A     Yes, sir.  
15          Q     And maybe Deborah Blunt?  
16          A     Yes, sir.  
17          Q     He's more his own man?  
18          A     Yes, sir.  
19          Q     The cocaine hadn't destroyed his will to  
20    do what he wanted to do?  
21          A     He have coke of his own.  
22          Q     I understand that but, I mean, cocaine  
23    didn't bring him down to the point where he would  
24    do anything in the world for you?  
25          A     No, sir.

1           Q     Now, let's talk about a house up on  
2     121st Street in Harlem, the three hundred block of  
3     West 121st Street.

4                     Ma'am clerk, can I have the picture,  
5     pictures for a moment?

6                     Now, Mr. Tayback asked you about a house  
7     up on 121st Street?

8           A     Yes, sir.

9           Q     He asked you about 356 West 121st  
10    Street. I show you a picture marked State's  
11    Exhibit 37. Are you familiar with that house?  
12    Recognize it?

13          A     Yes.

14          Q     You recognize the house in this, the  
15    picture?

16          A     Yes. Yes, sir.

17          Q     You seem to know a lot of people in that  
18    house, right?

19          A     I only know --

20          Q     Yes or no, do you know a lot of people?

21          A     No, I don't know a lot of people in the  
22    house.

23          Q     Let's start -- As I remember, you  
24    certainly know Oscar?

25          A     I know Oscar but I don't know if Oscar

1 live in the house. I don't know if Oscar live in  
2 the house. I know Oscar is the super of the  
3 house.

4 Q But you have met Oscar. When you have  
5 been at that house you have had occasion to meet  
6 Oscar?

7 A No, I did not meet Oscar at that house.  
8 I met Oscar at Roscoe's place on 112th Street.

9 Q You met Oscar at Roscoe's but at any  
10 time that you were at, at any time you were at  
11 that house did you ever again meet Oscar?

12 A Yes, because I seen Oscar at the house.

13 Q You have seen Oscar in that house?

14 A Yes, sir.

15 Q And if someone were to testify that he  
16 occupies an apartment on the second floor, could  
17 that be correct?

18 A It could be correct, sir.

19 Q You don't know one way or the other?

20 A I don't know, sir.

21 Q You know he's there?

22 A I know he is.

23 Q So you know Oscar?

24 A Yes, sir.

25 Q There is a man by the name of Troy that

1        apparently lives in that house down on the first  
2        floor?

3            A        Yes.

4            Q        You know Troy?

5            A        Yes, I know Troy.

6            Q        Troy is a brother to Wayne?

7            A        Yes, Troy is Wayne's brother.

8            Q        You and Wayne knew one another?

9            A        Yes, sir.

10          Q        And Wayne had some connection with some  
11        big drug dealer somewhere?

12          A        Yes, sir.

13          Q        And Wayne went off to prison?

14          A        Wayne? No, Wayne never been to prison.

15          Q        Wayne has never been to prison. Wayne  
16        used to be married though to a girl who lives down  
17        in the basement?

18          A        I don't know if he married the girl.

19          Q        But he went with her?

20          A        He went with the girl live in the  
21        basement.

22          Q        You know that girl too?

23          A        Yes, sir.

24          Q        And you know somebody up on the third  
25        floor?

1           A     Yes, sir.

2           Q     Who is that?

3           A     I know Rudy and, and Linda.

4           Q     Now, what was the relationship between  
5 the Defendant Reuben Rainey and Linda?

6           A     He, he is his -- he is Linda's child  
7 father.

8           Q     Do you know anybody else in that  
9 building?

10          A     Yes, the girl downstairs, Rudy, Linda  
11 and Troy.

12          Q     Now, Mr. Tayback asked you if you know  
13 somebody by the name of Jesus who lives on the  
14 first floor, you said no.

15          A     No, I don't know Jesus.

16          Q     Now, Jesus is pretty unique looking.  
17 You know what I mean?

18          A     No, sir.

19          Q     Different looking. First of all, he has  
20 a full beard down to about here?

21          A     Yes.

22          Q     Tall, slim fellow. If you met him, you  
23 would probably remember.

24          A     Yeah.

25          Q     You say you don't know him?

1           A       I don't know him. Saw him once in the  
2 courtroom here.

3           Q       You see him back in April here?

4           A       Yeah, in the courtroom here.

5           Q       That guy?

6           A       Yeah, the guy that say is Jesus.

7           Q       Did you know him from the house up on  
8 121st Street?

9           A       No, sir.

10          Q       My question is how come you know just  
11 about everybody in the house and you don't know  
12 Jesus?

13          A       I don't know Jesus.

14          Q       How come?

15          A       Lot of other people live in the house.  
16 Like got people live right across from Rudy in the  
17 back. Lot of occasions I have been to the house  
18 there and I -- and they will go back in the back  
19 and I never knew who live back there.

20          Q       Who brought you to that house on 121st  
21 Street the first time? What was the first time  
22 you ever went there?

23          A       I went back to look for Linda.

24          Q       The first time you ever had contact, you  
25 ever had any contact whatsoever with this house

1 was through which person?

2 A Through Roscoe.

3 Q Roscoe is how you get on board, so to  
4 speak?

5 A Excuse me?

6 Q It's through Roscoe --

7 A Yeah.

8 Q -- that you have your first contact with  
9 this house?

10 A Yes, sir.

11 Q How long ago was that?

12 A That was late -- early -- late '87 --  
13 '87 -- '86, maybe late -- early, early last year  
14 or the year '85, '87, '86. Late '85 or early '86.

15 Q All right. Either October, November,  
16 December of '85 or the first few months of '86?

17 A Yes, sir.

18 Q Now, you knew him from before, you say?

19 A Yes, I know Roscoe from before.

20 Q How is it you find your way to the house  
21 that he has some contact with? What brings you  
22 there?

23 A Well, Roscoe have a base house on 112th  
24 Street, right, and the guys who work for him --  
25 that house belong to Roscoe's wife, right, and

1       guys who work for Roscoe, who handle, had no place  
2       to stay, you know, Roscoe fix -- because the house  
3       was almost abandoned, right, and Roscoe start --  
4       he -- and he had just called, the man name I  
5       forgot right now, not Troy, the super of the  
6       house, what's his name?

7               Q       Oscar?

8               A       -- he and Oscar get together and they  
9       fix up the house for, you know, the workers to  
10      stay in.

11              Q       Well, how does that, how does that get  
12      you to 121st Street?

13              A       We been taking -- because we all  
14      associate together and, you know, we -- he go back  
15      and see if everything all right, if his people  
16      working, you know, to fix the place up.

17              Q       Now, there has been testimony in this  
18      case that Oscar is a drug dealer?

19              A       Yes, Oscar is a drug dealer too.

20              Q       You admit that he is, you admit knowing  
21      that he's a drug dealer?

22              A       Yes, sir.

23              Q       There is testimony in this case that the  
24      line of authority in that house is Oscar on top,  
25      right underneath him is Jesus?



1           A     No, no.

2           Q     And right underneath him is Troy as far  
3 as the line of authority. I'm not talking about  
4 what apartments they live in.

5           A     No, Troy, Troy -- I mean, Wayne is the  
6 big man, then Oscar.

7           Q     Wayne doesn't ever live there?

8           A     They don't live in the house.

9           Q     Wayne doesn't?

10          A     Wayne don't live in the house.

11               MR. TAYBACK: Will you let the witness  
12 answer please?

13          A     Wayne don't live in the house, Oscar  
14 don't live in the house. I don't know if Oscar  
15 lived in the house.

16          Q     Well, there has been testimony that  
17 Oscar does live in the house and you say maybe  
18 that is true, maybe it is not true, right?

19          A     Yes, sir.

20          Q     Now, there is testimony that the line of  
21 authority in that house is Oscar on top, Jesus and  
22 then Troy?

23          A     I don't know, sir.

24          Q     Is that possible?

25          A     It could be possible because Troy is the

1 super of the house and the super is the one who  
2 call the shots in the house.

3 Q It's been suggested that you really know  
4 Jesus?

5 A I don't know Jesus.

6 Q And that you are really buying your  
7 drugs from 121st Street?

8 A No.

9 Q From Oscar?

10 A No. Oscar --

11 Q Or from Jesus?

12 A -- Oscar ain't have no drugs.

13 Q I thought you said he was a drug dealer?

14 A He's drug dealer but he don't have no  
15 drugs since Oscar -- Oscar was hooked up with  
16 Nickey Barnes, Oscar and Wayne, all them hooked up  
17 with Nickey Barnes. Oscar get time, Oscar came  
18 home and Oscar he don't deal in, you know, he  
19 still in the thing but he himself ain't have  
20 nothing.

21 Q How did you get to meet the other people  
22 in the house? I understand how you got there  
23 through Roscoe.

24 A Yeah.

25 Q And you met Oscar?

1           A     I knew Oscar. I knew all them before,  
2   before Oscar went to jail.

3           Q     Did you know Troy before?

4           A     No, I never knew Troy before.

5           Q     You met Troy through Oscar?

6           A     I met Troy through Roscoe.

7           Q     Through Roscoe?

8           A     Yeah.

9           Q     And Roscoe lives in this house. How did  
10 you meet Linda?

11          A     I know Linda way before that then. Up  
12 on 153rd Street, 152nd Street, 153rd they live.

13          Q     Did you meet the Defendant Reuben Rainey  
14 through Linda or did you meet Linda through the  
15 Defendant Reuben Rainey?

16          A     I do not meet --- I met Linda by -- I  
17 met Rudy first, right.

18          Q     That's what I'm asking.

19          A     I met Rudy first but then after I met  
20 Linda, but I didn't know Linda was his girl, that  
21 was his child mother then.

22          Q     So in one form or another you know  
23 Reuben Rainey and Linda on the third floor?

24          A     Yeah.

25          Q     You know an Oscar who may or may not

1 live on the second floor?

2 A Yes, sir.

3 Q You know Wayne? I am sorry, you know

4 Wayne?

5 A Yes, sir.

6 Q He doesn't live there at all?

7 A No, sir.

8 Q You know his brother Troy?

9 A Yes, sir.

10 Q Who lives down on the first floor?

11 A Yes, sir.

12 Q You know Wayne's former girlfriend who

13 lives down in the basement?

14 A Yes, sir.

15 Q Well, you make repeated visits to this

16 house, don't you?

17 A Yes, sir.

18 Q How many visits -- how many times would

19 you say you have gone to this house on 121st

20 Street over the years?

21 A I can't count.

22 Q Well, more than once?

23 A More than once, more than twice, more

24 than three times.

25 Q More than a hundred times?

1           A       No, no, not, not a, a hundred times.

2           Q       Give us some idea.

3           A       Maybe thirty times, forty times.

4           Q       That many times?

5           A       Yeah.

6           Q       Would it be fair to say every time you

7 go up to New York you stop off at 121st Street?

8           A       Not every time.

9           Q       Almost every time?

10          A       Approximately every time. Mostly.

11          Q       What is the attraction for you at 121st

12 Street if it is not drugs?

13          A       I used to go to Wayne's girl's house.

14          Q       The one in the basement?

15          A       The one in the basement.

16          Q       Wayne, I take it, who used to work for

17 Nickey Barnes is safely out of the picture when

18 you are seeing the girl, his former girlfriend

19 down in the basement?

20          A       Yes, sir.

21          Q       Well, and you never met the man with the

22 beard who walked into this courtroom?

23          A       Never seen Troy in the house, never -- I

24 mean --

25          Q       Talking about Jesus?

1           A       I mean Jesus.

2           Q       Well, did you ever on one of your trips  
3 up to New York say -- Ma'am Clerk, the gun please  
4 -- So you are saying, unlike Joanne Blunt and  
5 unlike Nellie Chew who would do anything for you  
6 and unlike Deborah Blunt who would probably do  
7 anything for you, you are saying not only would  
8 Jesus not do anything for you but you don't even  
9 know the man?

10          A       I don't know Jesus.

11          Q       So I gather you never came up to New  
12 York and said, hey, Jesus, get rid of this gun for  
13 me? Did that happen or didn't happen?

14          A       Never happened, sir.

15          Q       Did you ever say to him, and by the way,  
16 if sometime in the future, maybe a month from now,  
17 maybe a month and a half from now, if anybody asks  
18 you about this gun, tell him you got it from Rudy?

19          A       I never seen Jesus to tell him nothing  
20 like that. I don't even know the man.

21          Q       You didn't have that planned out?

22          A       I didn't know the man. I never seen  
23 Jesus.

24          Q       Now, you say you get your drugs not from  
25 121st Street but from some, some person named

1 Coochie on 107th Street?

2 A I get my drugs on 107th Street, between  
3 Central Park and Manhattan Avenue.

4 Q You say Coochie is a male?

5 A Yes, sir.

6 Q Now, there is testimony in this case,  
7 and I don't know if we are talking about the same  
8 Coochie or not, but there is testimony in this  
9 case from an investigator whose business it is to  
10 investigate narcotics related homicides in New  
11 York City and he says the only Coochie he knows in  
12 the 107th Street area is a female. Now, are you  
13 saying that your supplier of drugs is a male to  
14 protect the police from learning that you are  
15 getting your drugs from a female named Coochie?

16 A No, sir.

17 Q Well, tell us a little more about the  
18 Coochie that you know that you get the drugs from?

19 A The Coochie I know, he, he spanish  
20 speaking, I don't know from Porta Rico or from San  
21 Domingo or where but he live 107th Street between  
22 Central Park and Manhattan Avenue on the right  
23 hand side heading West.

24 Q And you go up there once a week, once  
25 every ten days, once every eight days or so and

1       make a purchase from Coochie?

2           A       Yes, sir.

3           Q       He knows you are coming?

4           A       No, no.

5           Q       You don't have any trouble getting in

6       touch with him?

7           A       No.

8           Q       Never?

9           A       No. When I just start to deal with him

10       I used to have problem getting there late. Like

11       if I get there late, when he close, I would have

12       to wait awhile because his workers wouldn't go get

13       him for me so I could transact my business.

14          Q       Now, you lied at the last trial?

15          A       Yes, sir.

16          Q       You lied about why Reuben Rainey came

17       down to Baltimore?

18          A       Yes, sir.

19          Q       The last trial when you were asked you

20       said that you were giving Joanne Blunt the drugs,

21       for her to take a taxicab down to Pennsylvania

22       Station and that Reuben Rainey walked up and said

23       do you mind if I get in the cab with her and

24       accompanied her down to the station, that's what

25       you said?



1           A     Yes, sir.

2           Q     Now, that was far from the truth?

3           A     Yes, sir.

4           Q     This gun was at one time your gun?

5           A     Yes, sir.

6           Q     You or Rerun or Bus Driver or one of the  
7 three of you gave your gun to this man --

8           A     Yes, sir.

9           Q     -- when he came down to Baltimore?

10          A     Either me or Bus Driver give him the  
11 gun. I can't remember who give him the gun.

12          Q     What is the truth?

13          A     The truth is I brought Reuben Rainey  
14 down here to take -- because Carlos had stole some  
15 money from me. When he came down here I give, I  
16 can't remember if I give him the gun or Bus Driver  
17 give him the gun.

18          Q     Why did you lie about it? What's the  
19 reason you lied?

20          A     Like, I was scared that -- like, I'm  
21 ignorant of the law. I was scared.

22          Q     Now, wait a minute, let me stop you  
23 right there. You may be ignorant of the law but  
24 do you think it is legal or illegal to hire  
25 someone, to hire Reuben Rainey to come down to

1 Baltimore to kill somebody?

2 A It is --

3 Q What kind of a student of the law do you  
4 need to be to know that that is wrong?

5 A It is wrong. I know it is wrong, sir.

6 Q Had you ever told anyone that was the  
7 reason that Reuben Rainey had been brought down to  
8 Baltimore before you got on the stand last time?

9 A I think I told Robin that I brought Rudy  
10 down here to take care of that for me. Just I  
11 told her -- I didn't tell her I brought him to  
12 kill Carlos or get the money back from Carlos or  
13 what. I think I told her take care of.

14 Q Did you tell -- when you gave your  
15 statement to the homicide detectives on this early  
16 August, when you went before the grand jury, did  
17 you ever tell any of those people that that was  
18 the reason you brought Reuben Rainey down here?

19 A No, sir.

20 Q To kill somebody?

21 A No, sir.

22 Q Did you ever tell me before you went on  
23 the stand that the reason you brought Reuben  
24 Rainey down here was to kill somebody?

25 A No, sir.

1           Q     After the last trial, you got a call  
2     from me?  
3           A     Excuse me?  
4           Q     After the last trial you got a call from  
5     me?  
6           A     From me to come to you.  
7           Q     A call you -- you called, we spoke?  
8           A     Yes, I called you for --  
9           Q     I don't know how, we spoke?  
10          A     Yes, sir.  
11          Q     I brought some things to your attention,  
12     did I not?  
13          A     Yes, sir.  
14          Q     Some things that Joanne Blunt had told  
15     me?  
16          A     Yes, sir.  
17          Q     And I said, what is the truth?  
18          A     Yes, sir.  
19          Q     That is when the real reason why you  
20     brought Reuben Rainey down to Baltimore was told  
21     to the State for the first time?  
22          A     Yes, sir.  
23          Q     The real reason again is -- tell us?  
24          A     I brought him down here, I brought  
25     Reuben Rainey down here to either kill Carlos or

1 get my money back from Carlos for me.

2 Q What is this business about not being  
3 too sure what the law is?

4 A Excuse me?

5 Q I'm still a little confused about that?

6 A I didn't hear you, sir.

7 Q You started off a few minutes ago trying  
8 to tell this jury that you are a little -- you  
9 know, you have only been to the third grade,  
10 right?

11 A Yes, sir.

12 Q You haven't read the law books. Now  
13 tell the jury what your not knowing what the law  
14 is had to do with why you lied?

15 A Well, I know that, I know that hiring  
16 Rudy to kill Carlos was against the law and I was  
17 scared because I didn't talk -- I haven't got a  
18 lawyer or anything like that.

19 Q Well, you had a lawyer?

20 A Yeah, but I didn't get to talk to Mr.  
21 Quisgard because on the day that I saw Mr.  
22 Quisgard in the hall, and State want me to testify  
23 for them so I asked Mr. Quisgard. I -- he said go  
24 ahead and do what I think is right. Call, you  
25 know -- like, he just like tell me do whatever I

1       wanted to do. He didn't show me no interest that  
2       if he really represented me or not.

3           Q       So what you are saying is that when you  
4       got on the stand back in April --

5           A       Yes, sir.

6           Q       -- you and Robin and maybe some others  
7       but certainly not the State knew --

8           A       I can't hear you, sir.

9           Q       -- that you and Robin Robinson from  
10      Oakland Avenue --

11          A       Yes, sir.

12          Q       -- and maybe some others but certainly  
13      not the State or anyone in law enforcement knew  
14      that you had given Reuben Rainey this gun after  
15      you brought him down to this city to kill  
16      somebody?

17          A       Yes, sir.

18          Q       And although you hadn't gone to law  
19      school and you hadn't completed college, you  
20      figured out that maybe that wasn't so cool to tell  
21      anybody for the first time on that stand two  
22      months ago?

23          A       Yes, sir.

24          Q       Is that the reason you lied?

25          A       Yes, sir.

1           Q     Now, we have got this combination, and  
2     Mr. Tayback has a point, you've got control of  
3     Nellie Chew, she will do anything you want; you've  
4     got control of Joanne Blunt, she will do anything  
5     you want and Deborah Blunt, her sister, for the  
6     drugs will do, you think, almost anything you  
7     want; you are not so sure about Robert Robinson  
8     doing anything you want; and you don't even know  
9     this guy Jesus. So, as far as you are concerned,  
10    he will not do anything you want. You have that,  
11    right?

12           A     Yes, sir.

13           Q     And Mr. Tayback is correct, isn't he,  
14    that you have got this beef with Deborah Veney?

15           A     Yes, sir.

16           Q     You've got people who will do anything  
17    you want, including, I mean, Rerun, if you had  
18    asked Rerun to go over there and knock off Deborah  
19    Veney, he would have done it for you, wouldn't he  
20    have?

21           A     Yes, sir.

22           Q     If you had asked him nicely?

23           A     I think so, yes, sir.

24           Q     So you've got people who will do  
25    anything you want and you have got somebody who

1       you are upset with?

2           A       Yes, sir.

3           Q       And on top of that you are a liar, you

4       have lied on the stand, haven't you?

5           A       Yes, sir.

6           Q       Did you kill those two girls?

7           A       Excuse me?

8           Q       Did you kill those two women?

9           A       No, sir.

10          Q       Did you order anyone to kill those two

11       women?

12          A       No, sir.

13          Q       Now, Mr. Tayback is also correct, isn't

14       he, you had a telephone available to you in

15       Baltimore City Jail after your arrest?

16          A       Yes, sir.

17          Q       There is testimony in this case from

18       Joanne Blunt that she used to call you all the

19       time?

20          A       Yes, sir.

21          Q       Now, Nellie Chew was -- didn't get out

22       of jail until just after she testified the last

23       time. She was in jail with -- until some time in

24       mid or late April, wasn't she?

25          A       Yes, sir.

1           Q     She was in jail the same time you were  
2     in jail, from June the 19th to some time in April  
3     or late April?

4           A     In late April.

5           Q     The only difference is that she got out  
6     of jail in late April and you have remained in  
7     jail, is that correct?

8           A     Yes, sir.

9           Q     Now, while you had plenty of opportunity  
10    to talk over the situation with Joanne Blunt who  
11    would do anything you want her to, how much  
12    opportunity did you have to talk to Nellie Chew  
13    who would do anything you wanted to?

14          A     I ain't had no opportunity to talk with  
15    Nellie Chew. I ain't had much opportunity to talk  
16    to Nellie Chew.

17          Q     But you could certainly send the word  
18    out to Joanne Blunt to call up Nellie Chew and  
19    feed it around, you know, indirectly, couldn't  
20    you? Could you get any communications going on  
21    back and forth between someone?

22          A     I never think Joanne went to visit  
23    Nellie Chew or anything like that.

24          Q     Well, Nellie Chew could have called up  
25    Joanne Blunt?



1           A     Yes, sir.

2           Q     Just like she called -- just like you  
3           called up Joanne Blunt? In other words, the  
4           opportunity was there?

5           A     Yes, if after the call.

6           Q     If somebody wanted to go to a lot of  
7           trouble, the opportunity was there for you to talk  
8           to Joanne Blunt on the telephone from the jail to  
9           Joanne Blunt's house? There was that opportunity,  
10          wasn't there?

11          A     Yes, sir.

12          Q     And there was certainly the opportunity  
13          for Nellie Chew to call up Joanne Blunt and you to  
14          call up Joanne Blunt and compare notes of the  
15          conversation? The opportunity was there?

16          A     Yes, sir.

17          Q     It would have taken a lot of phone calls  
18          but --

19          A     Yes, sir.

20          Q     -- the three of you conceivably could  
21          have gotten together with a story?

22          A     Yes, sir.

23          Q     That's possible?

24          A     Yes, sir.

25          Q     Robert Robinson was right there in your

1 section until he got released. So there was  
2 plenty of opportunity to cook up a conspiracy, a  
3 story with Robert Robinson?

4 A Yes, sir.

5 Q And I suppose you could have also cooked  
6 up with telephone calls a story with Deborah  
7 Blunt?

8 A Yes, sir.

9 Q For the life of me, I don't know how you  
10 could have cooked up a story with somebody --

11 MR. TAYBACK: Objection.

12 Q -- somebody you didn't know but assume  
13 --

14 THE COURT: Objection, Mr. Brave.

15 Q Assuming you did know --

16 THE COURT: Mr. Brave, I'll sustain the  
17 objection to for the life of me. Go ahead with  
18 the question.

19 Q Assuming you have lied about your  
20 knowledge of Jesus, as you have lied about some  
21 other things, you could have been placing long  
22 distance calls to Jesus and telling him, okay,  
23 here's the latest way it's going to go down, you  
24 could have if you wanted to?

25 A Yes, sir.

1 Q Assuming you knew him?

2 A I don't know Jesus.

3 Q Well, you've been in this courtroom  
4 while Mr. Tayback has been shooting the questions  
5 at you, right?

6 A Yes, sir.

7 Q Even though you may have gone only to  
8 the first few grades in school, even though you  
9 don't have a law degree, you hear those questions,  
10 don't you?

11 A Yes, sir.

12 Q Is it fair to say that what is being  
13 suggested is that it was you that killed the two  
14 women and it was you who got together with Nellie  
15 Chew and with Joanne Blunt and with Deborah Blunt  
16 and with Robert Robinson and with Jesus and cooked  
17 up a story to cover the fact that it was you who  
18 killed those two women or ordered them killed?

19 A I did not order them to kill or I did  
20 not kill nobody.

21 Q I know what you are saying but you've  
22 been listening to the questions, haven't you?

23 A Yes, sir.

24 Q Now, let's, let's assume that this is  
25 not a real courtroom, that it's another episode of

1 Matlock or Perry Mason and again the police have  
2 bungled the investigation and the wrong man is on  
3 trial here today and the right man sits right  
4 there where you are sitting and Perry Mason, just  
5 like on television, has unravelled the thing for  
6 the jury. Let's assume that.

7 A I don't understand what you saying, Mr.  
8 Sam Brave.

9 Q Well, let me ask it this way. Did you  
10 tell both Joanne Blunt and Nellie Chew both during  
11 all these phone calls that are going back and  
12 forth, hundreds of them, to get it just right?

13 Did you tell them both, now, look, it is  
14 important that you both testify that on that  
15 Sunday night you were out of drugs and that Joanne  
16 Blunt and Reuben Rainey went to Nellie Chew's  
17 house to see if Nellie Chew had drugs? Did you  
18 tell them both to say that?

19 A No, sir.

20 Q Did you tell them both to say be sure to  
21 remember that both of you say that you called  
22 Denise Coleman to find out if maybe she had some  
23 drugs?

24 A No, sir.

25 Q You didn't say that?

1           A       No, I didn't tell them that, to say  
2       that.

3           Q       How did you get them both to say that?

4           A       I didn't tell them not to say nothing.

5                 MR. TAYBACK:  Objection.  First of all,  
6       he doesn't know what they said.  Can we approach  
7       the bench?

8                 THE COURT:  Approach the bench.

9                 (Whereupon, counsel and the Defendant  
10       approached the bench and the following conference  
11       ensued:)

12                MR. TAYBACK:  Your Honor, may it please  
13       the Court, obviously I'm going to request that the  
14       Court would instruct the jury that it is what they  
15       remember the evidence to be that is going to  
16       determine their deliberations, resolve this  
17       matter.  But state knows that Joanne Blunt talks  
18       about talking to Denise Coleman, somebody talking  
19       to Denise Coleman, whereas Nellie Chew talks about  
20       Karen Godlieb Carrington or Karen Carrington  
21       Godleib, both over at Denise Coleman's house but  
22       two different people.  If he's going to suggest to  
23       the witness, and certainly has the right to, its  
24       cross examination, but if he's going to suggest  
25       something, he should stick, frankly, to what is

1       said in the evidence.

2               MR. BRAVE:   They both said they called  
3       Denise Coleman's house.   I didn't know if the  
4       question was specifically aimed at who they talked  
5       to, but they both testified that they talked to  
6       Coco or Denise and it was at Denise Coleman's  
7       house.

8               THE COURT:   Very well.

9               (Whereupon, counsel returned to the  
10       trial table and proceedings resumed in open  
11       court.)

12              THE COURT:   Ladies and gentlemen, at the  
13       time that I explain to you the law which is  
14       applicable to this case, I will advise you, as I  
15       believe I have already mentioned, that it is your  
16       memory or recollection of the evidence that  
17       governs and not what counsel remember.

18              Both counsel agree that a phone call was  
19       made to Denise Coleman's house.   Now, who was  
20       talked to at Denise Coleman's house is something  
21       that we leave to your memory of the evidence as to  
22       precisely who was named.

23              But, in any event, there is an agreement  
24       that Denise Coleman's house was called.

25              You may proceed.

1 MR. TAYBACK: Your Honor, that is not  
2 the agreement. If I can state it --

3 THE COURT: Would you please come up to  
4 the bench then, counsel?

5 (Whereupon, counsel and the Defendant  
6 approached the bench and the following conference  
7 ensued:)

8 THE COURT: I will say to counsel again,  
9 I don't want statements made in front of the jury.

10 MR. TAYBACK: That's not the agreement.  
11 The agreement is that the testimony of Joanne  
12 Blunt and Nellie Chew is that a call was made to  
13 Denise Coleman's house. I'm not agreeing a call  
14 was made. You are saying that call was made and I  
15 am --

16 THE COURT: Fine. We will correct that  
17 but I'm telling both counsel I don't want any  
18 comments in front of this jury.

19 MR. TAYBACK: I also ask that the Court  
20 would indicate that, with respect to one, I think  
21 we agree that one says the call is made to Denise  
22 Coleman, the other thinks it is made to Karen  
23 Carrington Godlieb.

24 THE COURT: I'll leave that to Mr. Brave  
25 to deal with whatever way he wants. I'll simply

1 clear up the one matter.

2 How long are you going to be?

3 MR. BRAVE: I'll obviously be going for  
4 a long time.

5 THE COURT: How long are we talking  
6 about?

7 MR. BRAVE: An hour at least. At least.

8 THE COURT: All right, we will go until  
9 the Court thinks it is an appropriate time to  
10 stop.

11 MR. BRAVE: Okay. I don't care.  
12 Whenever you want to.

13 (Whereupon, counsel returned to the  
14 trial table and proceedings resumed in open  
15 court.)

16 THE COURT: Ladies and gentlemen, there  
17 is agreement between counsel that the testimony of  
18 Joanne Blunt and Nellie Chew was that there was a  
19 call made to Denise Coleman's house. Now, the  
20 question of who was talked to at Denise Coleman's  
21 house is a matter that will be left to your  
22 recollection.

23 Let's proceed, counsel.

24 MR. BRAVE: Thank you, Your Honor.

25 Q Mr. Boyce, --



1           A     Yes, sir.

2           Q     -- during these telephone calls that Mr.  
3     Tayback suggest were flying back and forth, did  
4     you somehow get both Joanne Blunt and Nellie Chew  
5     to put in their brain the fact that right after  
6     Joanne Blunt and Reuben Rainey came over to 862 in  
7     the early morning hours of June the 2nd, did you  
8     tell them both to tell the police in their  
9     statements, in their grand jury, on the stand,  
10    that --

11          A     Excuse me, say that question back again.

12          Q     I haven't finished it yet. Did you get  
13    them both to say be sure to remember that before  
14    you went over to Deborah Veney's house you called  
15    Denise Coleman's house?

16          A     No, sir.

17          Q     Did you get them to say that?

18          A     No, sir.

19          Q     Did you get them both to say that in the  
20    call to Denise Coleman's house they were informed  
21    that there might be drugs over at Deborah Veney's  
22    house?

23          A     No, sir.

24          Q     You didn't get them to say that?

25          A     No, sir.

1           Q     You didn't call them up and say, okay,  
2     here's how it is going to go?

3           A     After I left, after I left from Denise  
4     house I didn't speak to Joanne and them until the  
5     next day, I mean until the, until the Monday.

6           Q     I'm talking about during the time that  
7     you are in jail and you begin to feel things  
8     closing around you, the investigation is starting  
9     to tighten. I'm talking about that time.

10          A     Oh.

11          Q     When all these calls are going back and  
12     forth.

13          A     No, I did not.

14          Q     When you think the police might be  
15     getting closer to their answer.

16          A     I did not talk to them then about that.  
17     Nothing like that.

18          Q     Did you get them to both say that you  
19     got in a car and drove to Deborah Veney's house  
20     and did you get them to both say that Bey was  
21     driving?

22          A     I got in the car?

23          Q     No. That they, Nellie Chew and Joanne  
24     Blunt and Rubin Rainey, all three of them got in  
25     the same car and drove from 862 over to 4711. Did

1       you get them to say that?

2           A       No, sir.

3           Q       Both of them?

4           A       No, sir.

5           Q       Did you get both of them to be sure to

6       remember, to remember that Bey was driving?

7           A       No, sir.

8           Q       Did you get them to say that, Mr. Boyce

9       --

10          A       Yes, sir.

11          Q       -- in these phone conversations that are

12       going back and forth a mile a minute, did you get

13       them both to say that it was either seventy-five

14       dollars or eighty dollars worth of cocaine that

15       was purchased?

16          A       No, sir.

17          Q       Did you get them together on the same

18       story as to the amount of cocaine that was

19       involved?

20          A       No, sir.

21          Q       Did you get them to say, listen, it's

22       important that you both remember, if the police

23       are going to buy this story, it is very important

24       that you both remember that it was Bey who cooked

25       up the cocaine --

1           A     No, sir.

2           Q     -- not anyone else?

3           A     No, sir.

4           Q     Is that grain alcohol bottle here? Now,

5 Deborah Pearson, you know -- do you know Deborah

6 Pearson?

7           A     Deborah Pearson?

8           Q     How about the woman who Deborah Veney

9 brought past 862 west Fayette Street some time a

10 week or so or a month before the murders and you

11 got all out of sorts because Deborah Veney had

12 brought this --

13          A     I don't know her.

14          Q     -- this strange woman --

15          A     I don't know her.

16          Q     Did you know any of those women?

17          A     No, sir.

18          Q     Well, Deborah Pearson says she was there

19 and you say that there was somebody there that you

20 don't know?

21          A     Excuse me?

22          Q     You don't know this Deborah Pearson?

23          A     I don't know Deborah Pearson.

24          Q     Did you get Deborah Pearson, as part of

25 this story that you had to cook up to shift the

1 blame from you who really did these murders and or  
2 really ordered these murders, did you in cooking  
3 up this story to put it on the wrong man --

4 A I don't know them.

5 Q -- did you get Deborah Pearson to say  
6 that they ran out of grain alcohol and Deborah  
7 Veney and Jeanette ran out to get a new bottle of  
8 grain alcohol and did you tell Nellie Chew be sure  
9 to put your fingerprints on that grain alcohol?

10 A I don't --

11 Q Did you cook that up too?

12 A No, sir, I did not. I don't know  
13 Deborah Pearson.

14 Q Did you tell both of them to say that  
15 after it was cooked up it came back?

16 A Who, sir?

17 Q I'm talking about Nellie Chew and Joanne  
18 Blunt, the two women who in this courtroom pointed  
19 to this man and say they were there when the two  
20 women were killed?

21 A No, sir.

22 Q Did you get them both to say that they  
23 were pleading with Deborah Veney to give Reuben  
24 Rainey the money back?

25 A No, sir.

1           Q     Did you tell them be sure, you know, the  
2 police might be able to spot a phoney story, be  
3 sure that it is the same thing otherwise the  
4 police might not believe you?

5           A     I did not tell them to say, no, sir.

6           Q     If you cooked this up, Mr. Boyce, this  
7 one was really cooked?

8           MR. TAYBACK:  Objection, Your Honor.

9           THE COURT:  Sustained.  Proceed.  Go  
10 ahead, Mr. Brave.

11          Q     Did you get both of them in these  
12 telephone conversations to say that after the two  
13 women were shot Joanne Blunt came running out of  
14 that house in such a state that she went to the  
15 wrong door of the car, that she pushed Nellie Chew  
16 over, that the car started with two women behind  
17 that steering wheel?

18          A     No, sir.

19          Q     Did you get them to say that we were so  
20 terrified that that is how it happened?

21          A     No, sir.

22          Q     That was clever --

23          A     They told me that what happened when  
24 they came to Greenmount Avenue and saw me, they  
25 told what happened.  They told me that happened

1       when they came to Greenmount Avenue and saw me.

2               Q       Did you get both of them to say there  
3       was stuff all over his hair?

4               A       All over?

5               Q       His hair?

6               A       No, sir.

7               Q       Blood?

8               A       No, sir.

9               Q       You didn't get together with them and  
10       say that look Joanne that, make this sound real,  
11       this is the way you got to tell it to the police  
12       in your statement, in your grand jury testimony,  
13       in your testimony on the stand, don't forget this,  
14       I want both of you to say this?

15              A       I did not tell them that, sir.

16              Q       Did you tell them both to say that?

17              A       No, sir.

18              Q       Did you tell them, look, we can't have  
19       both stories one hundred percent, side by side,  
20       pat, maybe it would be a good idea, Joanne Blunt,  
21       if you say you heard two shots and Nellie, because  
22       she, you know, people hear things this way and in  
23       the excitement, just to show that it is not made  
24       up, just to throw them off the scent, Bey, you say  
25       you only heard one shot, did you get them to say

1       that?

2               A       I didn't get them to -- tell them say  
3       nothing like that, sir. I asked them to say  
4       nothing like that.

5               Q       Did you say, now, look, let's -- it  
6       might look a little funny if both of you testify  
7       that you were standing there watching, both of you  
8       side by side, I think it would really sound  
9       convincing and really sound the way real things  
10      happen, Joanne, I want you to say that you were in  
11      the house for the one, two, three part and Joanne,  
12      as soon as it gets to three, I want you to tell  
13      them that you ran, started to run out of that  
14      house and first bang is that when you are turning  
15      and facing the, facing the outside?

16              Now, Bey, what I want you to say is not  
17      that you were standing right next to Joanne,  
18      because that might look a little pat, we want to  
19      make this sound really convincing, Bey, you say  
20      that Rudy, that Rainey said go start the car and  
21      that you went outside, and even though you saw him  
22      covered with blood and covered with brains and all  
23      of that, running out behind Joanne Blunt, you  
24      could say that you never saw either shooting, that  
25      will make it sound convincing, that will make it



1 sound like it wasn't a put up job, did you tell  
2 them to tell it that way --

3 A No, sir.

4 Q -- so that this jury would be fooled  
5 into believing --

6 A No, sir.

7 Q -- that it was this man that did it when  
8 in reality it is you?

9 A I did not tell them anything like that.

10 Q You didn't go through that?

11 A No, sir.

12 Q Did you say to Joanne Blunt and to  
13 Nellie Chew, look, it's going to look a little  
14 funny if the first time the police talk to you you  
15 both spill your guts like you are ready for them  
16 and, boom, there goes Rubin Rainey. To make it  
17 sound real, Joanne, what I want you to do is, when  
18 they come get you, now I have a chrystal ball,  
19 Joanne, and I know they're going to come get you,  
20 when they come get you, I want you to deny any  
21 knowledge of this at first; I want you to make it  
22 seem like what later comes out is really -- has  
23 some truth, this has some basis in truth because  
24 it is something you are unwilling to tell at  
25 first; I want you to let the police question you

1 and question you and I want you to say nothing,  
2 you don't know anything about what they are  
3 talking about, did you tell Joanne to say that?

4 A No, sir.

5 Q Did you tell Joanne after the police  
6 say, look, Miss Blunt, we know you were there,  
7 tell us what the story is, did you tell Joanne to  
8 say I was with, what was the name of that guy,  
9 Igor, at the time, the name of guy, did you tell  
10 him now first before you spill the beans, before  
11 you spill the beans, tell him that you weren't at  
12 the scene, that you were with somebody, whoever  
13 his name is, did you tell her to say that?

14 A No, sir.

15 Q Did you tell her after an appropriate  
16 amount of denying then, Joanne, and only then,  
17 should you tell the story we have cooked up, is  
18 that what you said to Joanne?

19 A No, sir.

20 Q And in this story, Joanne, be sure to  
21 include this and be sure to include that and be  
22 sure to include all the things that we just went  
23 over, did you tell her that?

24 A I did not tell Joanne.

25 Q Did you tell Nellie Chew, look, Nellie,

1 we got to make this charge on Reuben Rainey  
2 stick. We got to make it sound like it is really  
3 the real thing. When the police come to you and  
4 again, Nellie, I have a chrystal ball and I know  
5 they are going to come to you some day, because I  
6 am going to set that in motion, I'm going to have  
7 Bobbie Bird spill the beans first, then it is all  
8 going to unfold, nice and neat, so I know they're  
9 going to come to you, Nellie Chew, Bey, I want  
10 you, just like Joanne, to deny everything, did you  
11 tell her that?

12 A No, sir.

13 Q Did you say I want you to deny  
14 everything even if they charge you with murder?

15 A No, sir.

16 Q And Nellie Chew, guess what, they may,  
17 they probably will charge you with murder because  
18 the way I have got this thing planned out, see  
19 I've been thinking about this, the way I've got it  
20 planned out, first Bobbie Bird is going to spill  
21 the beans, then armed with the information that  
22 Bobbie Bird gives us, Joanne Blunt is going to  
23 spill the beans and then they are going to know  
24 about you and they are going to come to you and  
25 say, okay, tell us what you know about it and they

1        might even charge you as being there if you don't  
2        cooperate. Had you thought it out just like that?

3            A        I did not speak, speak to Nellie then.

4            Q        Did you say, Nellie Chew, even if they  
5        charge you, don't say anything?

6            A        I did not speak to Nellie.

7            Q        Did you say and then we will have this  
8        lawyer that I got for you, this Edward Smith, we  
9        are going to have Mr. Edward Smith talk to you and  
10       even after Edward Smith talks to you, I want you  
11       to say, no, I don't know anything about it, did  
12       you tell Nellie Chew to do it that way?

13          A        No, sir.

14          Q        And then maybe they will call me. They  
15       will get me to the phone and I'll get on the phone  
16       with you and I'll say to you, look, Nellie, they  
17       got -- this is not your murder, tell them the  
18       truth. Tell them exactly what you know, don't  
19       take this murder charge, did you tell her weeks  
20       ahead of time that that is the way it was going to  
21       unfold?

22          A        No, sir.

23          Q        That's the way to do it?

24          A        No, sir.

25          Q        Did you tell her and then and only then,

1       then you come out with this story that we cooked  
2       up?

3               A       Excuse me?

4               A       Excuse me, Sam, tell Mr. Reuben, -- Mr.  
5       Reuben keep going cluck, cluck, and I can't hear  
6       what you say.

7               Q       You have mentioned that before, we will  
8       get into that right now?

9               A       I would like to.

10              Q       I'll get into it as soon as Mr. Tayback  
11       is ready.

12                      MR. TAYBACK: I'm ready.

13              A       I say I like trying to listen.

14              Q       What are you talking about? You are  
15       saying that the Defendant is doing what?

16              A       He going (indicating) and obstructing me  
17       from hearing what you say.

18              Q       Is that noise that he's making a noise  
19       which is known to you as to mean something?

20              A       It just obstructing me.

21              Q       I know it is obstructing you.

22              A       It snake.

23                      MR. TAYBACK: Wait.

24              Q       Does that noise (indicating) --

25              A       Snake song.

1 MR. TAYBACK: He's saying obstructing,  
2 he's saying a noise or something?

3 A A snake something song.

4 Q He's making the sound of a snake while  
5 you are testifying?

6 A Yes.

7 Q What does that mean?

8 A Like a death threat or something like  
9 that.

10 MR. TAYBACK: Who, me?

11 A I said Mr. Reuben going cluck-cluck.

12 MR. BRAVE: No, Mr. Reuben. Not you.

13 THE COURT: Mr. Brave, let's proceed  
14 please.

15 Q Did you tell Nellie Chew after going  
16 through this long charade of pretending that she  
17 didn't know anything about it that then and only  
18 then should she come out with the same story that  
19 Joanne Blunt came out with?

20 A Say the question again please, 'sir.

21 Q Did you tell Nellie Chew that after  
22 going through this play acting of not knowing  
23 anything about these murders, of denying  
24 everything, of letting herself get charged, did  
25 you tell her then and only then do I want you to

1 tell the story that we have cooked up on the phone  
2 with Joanne Blunt?

3 A No, sir.

4 Q You didn't do that?

5 A No, sir.

6 Q That's what he suggests?

7 A No, I did not talk to Nellie.

8 THE COURT: Mr. Brave, I guess this  
9 would be an appropriate time to have a short lunch  
10 break.

11 Ladies and gentlemen, we are going to  
12 take the lunch break now but I'm going to ask your  
13 indulgence because we are attempting to bring  
14 things to a conclusion. I'm going to have to ask  
15 that you report back at -- make it twenty-five  
16 minutes of two. I apologize for such a short  
17 lunch break, but twenty-five minutes of two. Take  
18 our luncheon recess.

19 AFTERNOON SESSION

20 MR. TAYBACK: Before rebuttal we will  
21 need to have a hearing out of the presence of the  
22 jury. There's one I never heard of before and I  
23 will have to make appropriate arguments at that  
24 time.

25 THE COURT: This is off the record.

1 (Discussion off the record.)

2 (Whereupon, the jury entered the  
3 courtroom, after which the following proceedings  
4 ensued:)

5 THE COURT: Ladies and gentlemen, I have  
6 asked that you be brought down and it appears that  
7 we are missing one juror. I expect that juror  
8 will arrive momentarily. If you will bear with  
9 us.

10 (Pause.)

11 Ma'am Clerk.

12 THE CLERK: Take a seat, Mr. Boyce.

13 MR. BRAVE: Thank you, Your Honor. Good  
14 afternoon.

15 THE CLERK: State satisfied its  
16 witnesses have been sequestered?

17 MR. BRAVE: State is satisfied.

18 THE CLERK: Defense satisfied?

19 MR. TAYBACK: Yes.

20 BY MR. BRAVE:

21 Q Now Mr. Boyce --

22 A Yes, sir.

23 Q -- Let's turn to Debbie Blunt, Joanne's  
24 younger sister.

25 A Yes, sir.



1           Q       We have already learned from you that in  
2       your opinion Debbie Blunt is one of those people  
3       who would do anything --

4           A       Yes, sir.

5           Q       -- for cocaine?

6           A       Yes, sir.

7           Q       Did you get together on the phone or --  
8       I guess it would have to be on the phone, with  
9       Debbie Blunt or maybe did she visit you in jail  
10      and did you say, look, Debbie, you keep going out,  
11      you keep having your romance with Reuben Rainey,  
12      the man we are trying to pin this murder on, and  
13      in order to protect me I want you to tell the  
14      police or the State's Attorney who, or whoever  
15      asks you, that this gun -- thanks -- that this gun  
16      of mine, that you saw this gun, this gun in Reuben  
17      Rainey's hands in a motel after the murders?

18          A       No, sir.

19          Q       You didn't tell her that?

20          A       No, sir.

21          Q       Now, Bobbie Bird, you had plenty of  
22      chance to be together with Bobbie Bird and cook up  
23      a story. I mean, we agree with that. If you  
24      wanted to cook up a story, you had all the  
25      opportunity in the world with Bobbie Bird to cook

1 up a story?

2 A Yes, sir.

3 Q Did you tell Bobbie Bird, look, let's  
4 make this look good, let's make this story really  
5 have the ring of truth. I want you to hang out  
6 here in jail for awhile and then I want you to be  
7 the one that comes forward first and tells the  
8 police that all along, since the day you arrived  
9 in Baltimore City back on June the 18th, you have  
10 known who the murderer of those two girls are?

11 A No, I didn't tell Bobbie Bird that.

12 Q I want you to have Bobbie Bird stay in  
13 jail and go through a bail reduction hearing and  
14 to make it good, Bobbie Bird, I want you to call  
15 up to New York, to this Nancy Ryan that you once  
16 had a trial with, and Nancy Ryan will send an  
17 investigator down and maybe you will tell the  
18 investigator first before you tell the Baltimore  
19 Police and let it come out piece by piece so it  
20 doesn't look like you are so anxious to tell this  
21 story, make it sound like you are trying to work a  
22 deal before you have to become a snitch, did you  
23 set that in motion with Bobbie Bird?

24 A No, sir.

25 Q Then, finally, when it really looks

1 good, when it really looks like the police have  
2 been set up to believe that Bobbie Bird is telling  
3 the truth, then you have Bobbie Bird run down the  
4 same story that I ran down with Joanne and with  
5 Nellie.

6 The way we will work it, Bobbie Bird, is  
7 we will say we were all together in the jail and  
8 Reuben Rainey was talking about the murders, the  
9 way we will say it is what on earth was on your  
10 mind, Reuben, why did you do this? We are in this  
11 jail for two reasons, one, because you killed this  
12 woman, these women, and, secondly, because you  
13 screwed up on June 18, why on earth did you kill  
14 these women? We would never have been in this  
15 situation if you hadn't. That's what we will  
16 tell, that's what we will tell the police, did you  
17 cook that story up with Bobbie Bird?

18 A No, sir.

19 Q Did you tell Bobbie Bird, you make sure  
20 that you tell the police that Reuben Rainey told  
21 you exactly how he shot those women and to make  
22 it, you know, to get the jury a little upset at  
23 Reuben Rainey, just to get them a little upset at  
24 him, be sure to tell the police that after, after  
25 Reuben Rainey told you that he blew the first

1 woman's head off, tell them that you had to step  
2 aside to let her fall down, that will be a nice  
3 touch, did you tell him to say that?

4 A No, sir.

5 Q Did you tell him to say, and look, let's  
6 make the jury even madder at this man, let's make  
7 the jury think he jokes about this. Why don't you  
8 tell the jury, just like Joanne is going to tell  
9 the jury, that Joanne beat the bullet out the,  
10 beat the bullet out the gun in running out of the  
11 house?

12 A What is that?

13 Q Did you tell Robert Robinson that when  
14 he finally talks to the police --

15 A Yeah.

16 Q -- to tell the police that Reuben Rainey  
17 told him that Joanne Blunt beat the bullet out the  
18 gun?

19 A No, sir.

20 Q You didn't tell him that?

21 A No, sir. Rudy told, Rudy and Joanne  
22 told us that. They had told me that before. They  
23 had told me that the morning of the murder, the  
24 morning, and Rudy had to repeat it while we was in  
25 Baltimore City Jail. Rudy had repeated that

1 Joanne beat the bullet coming out of the gun.

2 Q So, you had the opportunity to tell him  
3 these things, didn't you?

4 A Yes, sir.

5 Q Who killed those women?

6 A Reuben Rainey killed that womans, sir.

7 Q Let's move away from this conspiracy  
8 theory for a moment and let's talk about what  
9 really happened in this case. Okay, Mr. Boyce?

10 A Yes, sir.

11 Q I don't want to go over your drug  
12 operation again.

13 A All right, sir.

14 Q You have been very accomodating and  
15 thorough in your description of how your  
16 organization works.

17 A Yes, sir.

18 Q I want to go back to the Winnebago or  
19 the Rock -- what do you call it?

20 A Rockwood.

21 Q The Rockwood, that's an -- it's a mobile  
22 home but it is on wheels, you drive it around,  
23 right?

24 A Yes, sir.

25 Q Robin Robinson was one of the women who

1       you left drugs with and left money with?

2           A       Yes, sir.

3           Q       Where was the money kept over in Robin's  
4       house?

5           A       In her room in the closet.

6           Q       What closet?

7           A       A clothes closet, right, where she keep  
8       her pocketbook, like pocketbooks and clothes in  
9       the closet.

10          Q       Was the -- how did you get into that  
11       closet? Did you just turn the knob and open the  
12       door or was there some other way?

13          A       I couldn't get in it. Only she have a  
14       key because a padlock on, the top part of the door  
15       have a padlock on it.

16          Q       At some point in time you had decided --  
17       let me ask you this rather than putting the words  
18       in your mouth. Why did you want this Winnebago?

19          A       I was going up -- I wanted to go to  
20       Canada and from Canada I wanted to go to Nevada.  
21       I wanted to just travel around.

22          Q       I understand, but you could afford a  
23       train, a plane, you could have afforded the best  
24       cars, why did you chose a Winnebago?

25          A       Because it have bath, the bathroom,

1 showers, everything. It have everything. It is a  
2 complete apartment house and I wanted like Joanne  
3 and Bey and Coco, you know, my girlfriends and we  
4 want to be -- all of us could be together and save  
5 me a lot of money from the motels and stuff.

6 Q Well, money was no object. I mean, you  
7 had money for all the motels you wanted, didn't  
8 you?

9 A Yeah, but for travelling the highway we  
10 had to eat and stuff and it would be less.

11 Q Would it be fair to say it would be a  
12 more fun way to travel?

13 A Yeah, you know, we, we have our own  
14 private home on wheels.

15 Q Anyway, drug dealers don't normally put  
16 valuable automobiles in their own name, do they?

17 A No, sir.

18 Q You had arranged for someone -- for this  
19 to be registered to someone?

20 A Yes, sir.

21 Q And that I think you told Mr. Tayback  
22 was Rerun's girlfriend?

23 A Yes, sir.

24 Q What's her name?

25 A Tina.

1 Q Tina?

2 A Yes, sir.

3 Q And you had apparently put down

4 something like forty-five hundred dollars --

5 A Five thousand dollars.

6 Q -- as a down payment?

7 A Yes, sir.

8 Q And how much was remaining to be paid?

9 A Thirty -- I think thirty-two thousand

10 dollars was the balance.

11 Q Where were you going to get the

12 remaining thirty-two thousand dollars assuming

13 that is the balance?

14 A Excuse me?

15 Q Where were you going to come up with

16 this thirty-two thousand dollars, the balance that

17 the auto dealer wanted for his Winnebago?

18 A From selling narcotic.

19 Q I understand, but -- I understand it all

20 comes from narcotics but where was this money?

21 Were you going to sell narcotics in the future or

22 were you going to -- did you have the money

23 already?

24 A When I went up and put five thousand

25 dollars down I did not have all the money then.



1 Q Okay.

2 A I had -- I supposed to pick the

3 Winnebago up in May, in May because I ordered I

4 think -- in February I think I ordered it.

5 Q All right. Now --

6 A Either February or January I ordered --

7 I can't remember what month I ordered it.

8 Q It is now the middle of May 1986 and the

9 car is getting ready to be delivered, right?

10 A Yeah, it was. It was already there.

11 Q All right. Now, where were you -- where

12 was the money to give them?

13 A I had the money for it.

14 Q Where?

15 A Over to Robin, Robin Robinson house.

16 Q Over on Oakland Avenue?

17 A On Oakland Avenue.

18 Q It was up in her closet that was

19 padlocked and she had the key to it?

20 A Yes, sir.

21 Q When you went to get that money, what

22 did you discover?

23 A That the money was gone. That padlock

24 was broken off the door and the money was gone.

25 Q Did you have a conversation with Robin?

1           A     Yes, sir.

2           Q     Did you have a conversation with any of  
3 her sisters?

4           A     No.

5           Q     Did Robin tell you who she suspected?

6           A     Yes, sir.

7           Q     Did you believe her?

8           A     Yes, sir.

9           Q     Did you think maybe she had ripped you  
10 off?

11          A     No, sir.

12          Q     Why not?

13          A     Because I don't think Robin that type of  
14 person. I left more than thirty-five thousand  
15 dollars at Robin house already.

16          Q     As a result of what Robin told you, who  
17 were you looking for?

18          A     A guy by the name of Carlos.

19          Q     Who is Carlos?

20          A     Carlos supposed to be a friend of  
21 Robin. Carlos supposed to be the wife or the  
22 husband, the boyfriend of Robin's, of Robin --

23          Q     Of Robin?

24          A     -- of Robin woman friend.

25          Q     Okay. Robin has a friend?

1           A     Yeah, and her --

2           Q     Carlos is the boyfriend of that friend?

3           A     Yeah.

4           Q     Is that right?

5           A     Yes, sir.

6           Q     Now, does the name Earlene Smith mean

7     anything at all to you?

8           A     No, sir.

9           Q     All right. When you discovered the

10    money was missing and you talked to Robin and in

11    your mind you felt that Robin's friend's boyfriend

12    Carlos was responsible for that money missing,

13    what did you decide to do about it?

14          A     Took care of my money.

15          Q     How were you going to do that?

16          A     Try to catch him.

17          Q     And once you caught him what were you

18    going to do?

19          A     Get my money.

20          Q     Do what?

21          A     To get my money from him if he have it.

22          Q     How were you going to get the money?

23          A     By force or whatever I have to do to get

24    it.

25          Q     Any way you could?

1           A     Could to get it.

2           Q     Now, tell us what steps you took to find  
3 Carlos?

4           A     After Robin told me about the money, she  
5 told me Carlos took the money, the reason why I  
6 think Carlos have took the money because, like,  
7 Carlos was asking me to give him some drugs,  
8 right, and like I supposed to give Robin, Robin  
9 supposed to take charge of it, you know, be  
10 responsible for it for me, right, and he was -- he  
11 knew about drugs, and he was, like, from what she  
12 told, told me he was thinking that, you know, he  
13 had earned it, like, he was going to beat her for  
14 the drugs so --

15          Q     Let me just interrupt for a second.  
16 What I'm really asking -- I mean, this is fine, if  
17 Mr. Tayback wants to get into it, fine, but for  
18 the moment I want to keep going toward finding out  
19 what steps, if any, you took to find Carlos.

20                   What did you do about it?

21          A     Me and Robin, me and Robin, Rerun, me  
22 Robin, Rerun and Bus Driver, we went over to  
23 Carlos house where he live at.

24          Q     Did you know where he lived?

25          A     I didn't know where he lived. Robin

1       took me there.

2               Q       Robin knew where he lived?

3               A       Yes, sir.

4               Q       When you got there, did you find Carlos?

5               A       He was on the stoop, sir.

6               Q       And what happened when you and Robin and

7       Rerun and Bus Driver saw Carlos on the stoop?

8               A       We come, jump out of the car and we had

9       -- I had a pistol in my hand, we were -- the 357,

10       Rerun had the 357 in his hand.

11              Q       This one?

12              A       Yes, sir.

13              Q       This very one?

14              A       This same one, sir.

15              Q       Okay. You both had guns?

16              A       Yes, sir.

17              Q       And?

18              A       And Carlos took off.

19              Q       Did anybody take a shot at him?

20              A       No, sir.

21              Q       So he escaped?

22              A       Yes, sir.

23              Q       Did you make any other attempts to find

24       him?

25              A       Yes, sir.

1 Q When?

2 A Later on that night, sir.

3 Q Did you find him?

4 A No. I'm sorry. About that, we went in

5 the daytime and he was not there. We went there

6 the first time in the morning. When I realized

7 the money was missing we went there that morning,

8 right, and Carlos was not there that morning.

9 Q That's trip number one?

10 A That's the first time.

11 Q Right.

12 A Then the next time is the night and

13 that's when he ran.

14 Q Was Robin Robinson with you the first

15 time?

16 A She was with me the first time and the

17 second time.

18 Q Both times?

19 A Yes, sir.

20 Q So later that night you go back. Do you

21 have Rerun and Bus Driver with you also?

22 A We only went there twice.

23 Q Once --

24 A In the morning.

25 Q -- and he wasn't --

1           A     -- and he wasn't there.

2           Q     Second time he was there and sitting on  
3 the stoop?

4           A     Yes, sir.

5           Q     And drives off in a car? And drives off  
6 in a car?

7           A     He ran off. No, he ran. He ran off.

8           Q     Was there anything about a window?

9           A     I think he went through -- he went up  
10 the stairs, right, and he jumped through the back,  
11 in the back window and jumped off in the back of  
12 the building.

13          Q     When you say you think, did you see  
14 that?

15          A     I did not see it, sir.

16          Q     Who saw it?

17          A     Maybe Rerun might have seen it because  
18 Rerun run after him.

19          Q     This second time you both had guns?

20          A     Yes, sir.

21          Q     And you were going to both do whatever?

22          A     First time and the second time we both  
23 had guns when we went there.

24          Q     It was this gun right here that Rerun  
25 had?

1           A     Yes, sir.

2           Q     So, it looks like Mr. Tayback is right,  
3 Rerun will do anything you tell him to?

4           A     Excuse me?

5           Q     Rerun will do anything you tell him to?

6           A     Yes, sir.

7           Q     Rerun kill? Rerun will kill, right?

8           A     Yes, sir.

9           Q     That's what a person who is hired to  
10 protect you is supposed to do?

11          A     Yes, sir.

12          Q     Well, did Rerun kill?

13          A     No, sir.

14          Q     Why not?

15          A     I don't know, sir.

16          Q     Did that upset you?

17          A     Yes, sir.

18          Q     Why did that upset you?

19          A     Because, you know, he claimed to be  
20 doing one thing and he haven't do what he supposed  
21 to do.

22          Q     He didn't do what he was supposed to do?

23          A     Yeah.

24          Q     Had you been having these kind of  
25 troubles with Rerun, other troubles with Rerun at



1       that time?

2           A       Yes, sir.

3           Q       What kind of other troubles?

4           A       Am --

5           Q       Let me ask you this, would it be fair to  
6 say that Rerun was sticking a lot of cocaine up  
7 his nose and wasn't too reliable about this time?

8           A       He was basing a lot.

9           Q       He was doing a lot of basing?

10          A       Lot of basing because --

11               THE COURT: You mean freebasing?

12          A       Yes, sir, freebasing because we was in  
13 the motel just a little before, before the  
14 incident with Carlos and he had -- I told him to  
15 send his girl up there to pick a package up,  
16 because somebody had beeped and wanted some drugs,  
17 send his girl to pick the drugs up to --

18          Q       Tina?

19          A       Tina. And he did not send his girl, he  
20 came hisself.

21          Q       Right.

22          A       And I think he opened one of the  
23 packages because the blue -- the package the coke  
24 sealed. I had it in a blue seal-a-meal and piece  
25 of the bag, seal-a-meal bag was approximately two

1 feet, not even two feet, almost close to the motel  
2 room that I was in and if anybody with any  
3 narcotic, police or -- any police come there and  
4 seen that they could figure, you know, it's  
5 cocaine. He was very careless.

6 Q Let me --

7 THE COURT: Very careless?

8 A Yes, sir. Like, you know, like he was  
9 just not doing his job.

10 Q Let me see if I understand this. You  
11 are in a motel, you are conducting your business,  
12 you send out the word that Tina is supposed to  
13 bring you some drugs and instead of Tina showing  
14 up, Rerun, your bodyguard, shows up?

15 A Yeah.

16 Q Right? And not only does he maybe go  
17 into one of the packages, which he shouldn't have,  
18 but he leaves the package right out in the  
19 corridor for anybody to find and expose you to  
20 possible arrest there in the motel?

21 A Yes, sir.

22 Q Then he has a chance to shoot Carlos,  
23 you say, Rerun, kill and Rerun doesn't kill?

24 A Yes, sir.

25 THE COURT: Let me clear that up. You

1       said he was running after Carlos?

2           A     . Rerun get out of the car. Carlos saw us  
3 and Carlos ran in the building.

4           THE COURT: How close was Rerun to  
5 Carlos?

6           A     When Rerun get out of car, approximately  
7 about from here to about the door. Just like the  
8 -- like across -- like the width of a street.

9           THE COURT: About twenty, twenty-five or  
10 thirty feet?

11          A     The width of a street because like the  
12 side of the street, then the apartment like right  
13 here, Carlos was sitting right on the stoop on --  
14 like maybe about fifteen, about fifteen feet from  
15 the curb on the right hand side but in front of  
16 the building. About fifteen feet.

17          THE COURT: Did Rerun have the gun then?

18          A     Yes, sir.

19          THE COURT: I just want to get clear  
20 what your testimony was earlier. Were you upset  
21 because Rerun was a younger man than you are and  
22 you thought he should be able to keep up with him  
23 or because he didn't take the gun and fire at him?

24          A     He didn't fire at him and he could have  
25 catch him in the hallway.

1 THE COURT: Which one was it, that he  
2 didn't catch him or --

3 A I was upset, period, over the whole  
4 matter.

5 THE COURT: Because he didn't --

6 A He didn't fire, he didn't fire at  
7 Carlos. He didn't catch Carlos. He could have  
8 catch him. He could have shoot him. He had  
9 opportunity to.

10 THE COURT: Go ahead, Mr. Brave.

11 Q I believe you once said that at some  
12 point you decided, and I think these were your  
13 words, I need better help. Do you remember your  
14 saying that?

15 A Yes, sir.

16 Q Is that true?

17 A Yes, sir.

18 Q You decided, as Mr. Tayback says, I got  
19 to lay this guy off. By lay him off, you don't  
20 mean kill him or anything?

21 A No, sir. I mean like lay him off for a  
22 while because I like Rerun as a son, man.

23 Q You like to have your protection kill  
24 when you say kill, right?

25 A Yes, sir.

1           Q     You like to have your protection awake  
2 enough to be able to shoot somebody if it is time  
3 to shoot somebody?

4           A     Yes, sir.

5           Q     You like your protection not to drop  
6 cocaine packaging in a motel corridor for some  
7 manager to find and call the police, you like him  
8 to be awake enough not to do that?

9           A     Yes, sir.

10          Q     You like your protection not to be  
11 sticking cocaine up his nose every two seconds?

12          A     Yes, sir.

13          Q     And to pay attention to you whose job it  
14 is to protect?

15          A     Yes.

16          Q     So it was time to lay off Rerun?

17          A     Yes, sir.

18          Q     Well, you've already testified that it  
19 was the Defendant Reuben Rainey who was to become  
20 Rerun's successor, right?

21          A     I testified.

22          Q     Mr. Tayback has already asked you and  
23 you have already answered Mr. Tayback --

24          A     Yes, sir.

25          Q     -- that it was Reuben Rainey, the

1 Defendant, who you thought would kill when you  
2 said kill and obey orders?

3 A I only made my mind up about that when I  
4 get to New York City that morning to -- before I  
5 -- that Friday morning before I came back down  
6 here to bring Rudy down here.

7 Q That's basically what I was getting at,  
8 when you made that decision. How long before you  
9 were up in New York at 121st Street -- I assume  
10 that's where you ran into Reuben Rainey?

11 A Yes, sir.

12 Q With Linda up on the third floor?

13 A Yes, sir.

14 Q How long before you saw Rainey up on the  
15 third floor at 121st Street, how long before that  
16 had you decided that Rerun has got to be replaced,  
17 I don't know who I'm going to replace him with at  
18 this particular moment but at some point soon I've  
19 got to do something about this Rerun situation,  
20 how long before that did the Carlos situation  
21 occur?

22 A The Carlos situation had occurred  
23 already --

24 Q I know that.

25 A -- when I went up to New York.

1           Q     But how long already? Had it been a  
2     day, a week a month? I believe you said that this  
3     thing was taking place sometime in the middle of  
4     May?

5           A     Yeah, early or middle of May.

6           Q     So --

7           A     I think around the third week in May  
8     probably or earlier maybe.

9           Q     When do you go up to New York and run  
10    into Rainey?

11          A     That same -- like, like about two days  
12    after I missed the money. About two days after  
13    the money was missing I went up to New York.

14          Q     Okay. Now, is this the trip that you  
15    take in Jeanette Brown's car?

16          A     No.

17          Q     Another trip?

18          A     Yes, another trip.

19          Q     Is this the trip that you take Nellie  
20    Chew and Joanne Blunt up with you?

21          A     No.

22          Q     Different trip?

23          A     Yeah, different trip.

24          Q     Is it before that trip? Let me ask you  
25    this, it's the trip that you take --

1           A     After the money.

2           Q     Just listen to me a second. You put  
3 Reuben Rainey -- you tell Reuben Rainey to go down  
4 to Baltimore with Joanne Blunt on the train with  
5 the drugs?

6           A     Yes, sir.

7           Q     Is that the same weekend that you go up  
8 to New York?

9           A     No, the first -- after the money was  
10 missing, right.

11          Q     All right, go ahead.

12          A     I went up to New York to get some more  
13 drugs. I came back down here.

14          Q     That's one of your weekly trips?

15          A     Yeah, but the money was missing already.

16          Q     I understand.

17          A     Right. I did not go round on 121st  
18 Street.

19          Q     Did Reuben Rainey come back with you?

20          A     No, Reuben Rainey didn't come back with  
21 me.

22          Q     On that trip, after you discovered the  
23 money was missing, after you went after Carlos,  
24 after Rerun screwed up, on the next trip to New  
25 York, did you have any discussions with Reuben



1 Rainey about bringing him down to Baltimore?

2 A No.

3 Q Okay. So that's just a trip up to New

4 York and a trip back?

5 A Yes, sir.

6 Q Did you even stop at 121st Street as far

7 as you know?

8 A No, I did not stop in there.

9 Q Did you have any contact with Reuben

10 Rainey on that trip?

11 A No, sir.

12 Q When did you bring Reuben Rainey down to

13 replace Rerun?

14 A When me and Bey and Joanne went to New

15 York City.

16 Q Now, would that be the next week or when

17 would that be?

18 A That would be the last week, the last

19 week in May.

20 Q Now, is that the trip that you drive up

21 there in Jeanette Brown's Hugo?

22 A Yes.

23 Q So you drive up to New York at the end

24 of May and in your car is Joanne Blunt and Nellie

25 Chew?

1           A     Yes, sir.

2           Q     By the way, when you were putting  
3           together this story, cooking up this story with  
4           the ladies, I bet you told them to both say that,  
5           yes, we drove up to New York together in Jeanette  
6           Brown's Hugo? Didn't you tell them to say that?

7           A     I didn't tell them to say that, sir.

8           Q     You didn't tell them to say that?

9           A     No, sir.

10          Q     They thought of that all by themselves?

11          A     I didn't tell them to say that.

12          Q     So you are driving up to New York in  
13          Jeanette Brown's Hugo and you got Joanne Blunt  
14          with you and you got Nellie Chew with you?

15          A     Yes, sir.

16          Q     And this is just a regular weekly trip  
17          to buy your twenty-four to thirty thousand dollars  
18          worth of seventy-five percent pure cocaine, isn't  
19          it?

20          A     Yes, sir.

21          Q     Except on this trip you run into Reuben  
22          Rainey, don't you?

23          A     Yes, sir.

24          Q     And where do you find Reuben Rainey on  
25          this trip at the end of May?

1           A     To Linda's house.

2           Q     So you stop off at 121st Street?

3           A     Yes, sir.

4           Q     Do you go to 107th Street at that point?

5           A     Yes, sir.

6           Q     And what happens when you get to 107th

7 Street?

8           A     Coochie, he didn't -- I get there too

9 early, didn't open his place of business.

10          Q     The store wasn't open yet, right?

11          A     Yes, sir.

12          Q     I bet when you were cooking this story

13 up to try to fool the police and the prosecutor's

14 office, I bet you told Joanne when you finally

15 talk, when you finally talk, be sure to mention

16 that when we got up to New York we got there too

17 early and Poppy left us at 121st Street? I bet

18 you told them to say that, didn't you?

19          A     I didn't tell them to say that.

20          Q     Didn't tell them to say that?

21          A     No, sir.

22          Q     They thought of that on their own?

23          A     I don't know why they say that, sir. I

24 didn't tell them to say that.

25          Q     Well, if you didn't cook it up, why

1 would you both be saying it? Maybe because that  
2 is what happened?

3 A That what happen. We left together from  
4 Baltimore City, me, Bey and Joanne.

5 Q Maybe because that is what, the truth?

6 A We left from out Bey's house.

7 Q Maybe because that's the truth?

8 A That's because that happened.

9 Q You mean it happened that way?

10 A Yeah, me, Bey, Joanne left from Bey's  
11 house and went to New York City.

12 Q Anyway, at some point you take a look at  
13 Reuben Rainey and you say to yourself, I bet you  
14 he'll kill when I tell him to kill, didn't you?

15 A When we get to, when we get to New York  
16 City and goes over to Rudy and Linda's house,  
17 right, I asked Rudy, I say what you doing, man, he  
18 say he ain't working.

19 Q He's not working?

20 A He say he wasn't working. He and Roscoe  
21 and them had a beef.

22 Q He, he and Roscoe and them had --

23 A Roscoe and them had a beef.

24 Q Roscoe and Reuben Rainey?

25 A Roscoe -- you see, Roscoe, Roscoe and

1 Wayne, all of them together, work together in the  
2 click.

3 Q Right.

4 A So he said him and Roscoe and them had a  
5 beef.

6 Q Reuben Rainey and Roscoe and --

7 A Them.

8 Q -- them?

9 A Yeah, which could be Wayne, and that  
10 click.

11 Q This is the same Roscoe who is the drug  
12 dealer?

13 A Who owned the building that they live  
14 in.

15 Q The one that owns that building?

16 A The one that own the building. Excuse  
17 me.

18 Q The one that Oscar lives in, the drug  
19 dealer?

20 A Yes, the one that Oscar is the super of.

21 Q The one that Troy lives in?

22 A Yes, sir.

23 Q Troy, the brother of Wayne, who works  
24 for Nickey Barnes when he was working?

25 A Yes, sir.

1           Q     For those of the jury who don't know who  
2     Nickey Barnes is, is Nickey Barnes a drug dealer?

3           A     Yes, sir.

4           Q     In New York?

5           A     He was. He was one of biggest drug  
6     dealers in New York. He doing natural life in the  
7     federal penitentiary now.

8           Q     He's temporarily out of commission but  
9     he had a pretty sizeable drug operation?

10          A     Yes, sir.

11          Q     So, the Defendant Reuben Rainey is  
12     telling you that he was sort of on the outs with  
13     Roscoe and Oscar and Troy and Wayne and them,  
14     whoever them are, and right now he's kind of not  
15     doing too much, huh?

16          A     Yes, sir.

17          Q     Does an electric light go off in your  
18     mind?

19          A     Yes, sir.

20          Q     So what occurs to you?

21          A     He told me that I think you -- I need  
22     some extra help in Baltimore, so I asked him if he  
23     want to come on down here with me because I  
24     explained to him problems that I had down here  
25     with Carlos, you know, and, and --

1           Q     Not only told him about the problems you  
2     had with Carlos but you told him that you were  
3     bringing him down to settle the problems with  
4     Carlos by whatever means were necessary?

5           A     Yes, sir, and I explained to him that  
6     Rerun were getting too high, freebasing too much  
7     and, and I know he don't base, he only smoke.

8           THE COURT:   Smokes what?

9           A     Woolies. They take the base and put it  
10    in a cigarette and smoke. He only -- don't use no  
11    pipe and torch and I --

12          Q     It's a different way of getting high on  
13    cocaine?

14          A     Yeah, smoking, smoke woolies.

15          Q     And freebasing is a little more -- has a  
16    little more oomph to it?

17          A     I never freebase myself but they claim  
18    that if you hitting the pipe straight up you will  
19    get a different rush than if you smoke it. It  
20    seem like basing but you are just putting it in a  
21    cigarette.

22          Q     Let me ask you this, Mr. Boyce.

23          A     Yes, sir.

24          Q     I believe we have already -- you knew  
25    Reuben Rainey from where?

1           A       From New York City.

2           Q       I understand that. But was this the  
3 first time you are meeting Reuben Rainey, the  
4 weekend that you are up there with Joanne and  
5 Nellie Chew and you ask him what he is doing, is  
6 that the first time you ever met him?

7           A       No, sir.

8           Q       You have known him for how long?

9           A       I know Reuben Rainey I think '80 --  
10 early '85 or -- early '85. Early '85 or '84.  
11 Something in that area. '85.

12          Q       Easy Cooper, Eddie Cooper?

13          A       Yes, sir.

14          Q       You have already told Mr. Tayback that  
15 you used to live with or go with Eddie Cooper's  
16 mother?

17          A       Yes, sir.

18          Q       Did Eddie Cooper ever bring you in  
19 contact with Reuben Rainey?

20          A       Yes, sir, Eddie Cooper is one that  
21 brought me in contact with Reuben Rainey.

22          Q       That's how you met Reuben Rainey  
23 originally --

24          A       Yes, sir.

25          Q       -- through Eddie Cooper. What was the



1 relationship between Eddie Easy Cooper and Reuben  
2 Rainey up there in New York?

3 A Eddie goes with Rudy's -- I think it's  
4 his cousin or his first cousin or his aunt or  
5 something like that.

6 Q Goes or used to go?

7 A Used to go with her. He have a child  
8 with her. He have a child, Eddie's first --  
9 either his first cousin or aunt. I don't know if  
10 it is his aunt or first cousin.

11 Q So in some sort of loose form Eddie  
12 Cooper and Reuben Rainey are sort of family by  
13 virtue of a child that one of their relatives and  
14 Eddie Cooper, one of Reuben Rainey's relatives and  
15 Eddie Cooper have together. The point being that  
16 Reuben Rainey and Easy Eddie Cooper have a family  
17 tie of some sort?

18 A Yes.

19 MR. TAYBACK: Objection. That's  
20 ridiculous.

21 THE COURT: Overruled.

22 MR. BRAVE: What's ridiculous?

23 THE COURT: Go ahead, Mr. Brave.

24 MR. TAYBACK: Want to approach the  
25 bench.

1 THE COURT: Approach the bench.

2 (Whereupon, counsel and the Defendant  
3 approached the bench and the following conference  
4 ensued:)

5 MR. TAYBACK: How do you have a family  
6 tie when somebody's aunt maybe has a child by  
7 somebody who is not related to him at all?

8 THE COURT: The jury is not misled.

9 MR. TAYBACK: It is misled because what  
10 State is trying to do, State's Attorney uses the  
11 words that he wants to use and I don't object, it  
12 doesn't matter to me whether he says hundreds of  
13 phones calls or this, that and the other.

14 Remember, for example, that he objected  
15 when I said around the corner when I was talking  
16 about Navarro Road and Manchester Avenue.

17 THE COURT: Mr. Tayback, I find it kind  
18 of incredible that you would even -- that you  
19 would be the one to even raise that. Throughout  
20 this whole trial you have kind of changed what  
21 witnesses have said and Mr. Brave and Mr. Murphy  
22 have sat there the whole time, they haven't said  
23 one single word and the witnesses on many  
24 occasions have agreed that's the way and the  
25 question you have asked has been completely

1 different by the change of one word. You have  
2 done that throughout the whole trial, the State  
3 hasn't said a word.

4 MR. TAYBACK: The point is, whether I  
5 have done it or not, and I take exception to that  
6 because I don't think I have.

7 THE COURT: I'm telling you you have  
8 because I have watched you throughout the whole  
9 trial.

10 MR. TAYBACK: I disagree.

11 THE COURT: All right.

12 MR. TAYBACK: State doesn't have the  
13 right to mislead intentionally people who are fact  
14 finders.

15 THE COURT: I'm suggesting to you that I  
16 don't think they have been misled because the  
17 witness attempted in the best way he could to say  
18 exactly what it was. I mean, he's not a very --

19 MR. TAYBACK: I don't have any problem  
20 with him. He's stated a distant situation. It's  
21 the State's Attorney that I'm talking about.

22 THE COURT: What I'm suggesting is there  
23 is no way the jury can be misled if they recall  
24 what he said because Mr. Brave is not the one  
25 testifying.

1 MR. TAYBACK: Well, every once in a  
2 while the witness does testify and Mr. Brave asks  
3 extensively detailed questions which really is  
4 testifying. They really are his closing  
5 argument. I'm not objecting to it.

6 THE COURT: The bind that you are in now  
7 is the fact that you asked that he be called as a  
8 Court's witness and he has a right to cross  
9 examine.

10 MR. TAYBACK: I have no objection to  
11 that, whether that is the proper way to do it or  
12 not. What I have a problem with is when the State  
13 misleads intentionally by misstating things that  
14 the State knows is not true.

15 THE COURT: I'm not going to speak for  
16 Mr. Brave. Mr. Brave, you want to speak for  
17 yourself?

18 MR. BRAVE: I will clear it up with my  
19 next question. I'm sure Mr. Tayback won't object  
20 to it.

21 THE COURT: Very well.

22 (Whereupon, counsel returned to the  
23 trial table and proceedings resumed in open  
24 court.)

25 Q Mr. Boyce --

1           A     Yes, sir.

2           Q     -- so as not to mislead the jury, is it  
3     fair to say that Reuben Rainey and Eddie Cooper  
4     had a distant, distant, and I underline the word  
5     distant, a distant tie through some child of  
6     Edward Cooper?

7           A     I don't understand the question too  
8     well, Mr. Sam.

9           Q     Okay. Tell the jury in your own words  
10    what your understanding of the relationship  
11    between Edward Cooper and Reuben Rainey was?

12          A     My understanding was Reuben Rainey and  
13    Easy, they like family because like Easy have a  
14    child with Gaynere.

15          Q     With whom?

16          A     Gaynere, we call her Gay.

17          Q     And if Mr. Tayback is --

18          A     That is --

19          Q     -- at all curious to know who Gaynere  
20    is, you will certainly fill in the missing  
21    information but, as far as you know, they treat  
22    each other sort of like family?

23          A     Yes.

24          Q     Okay.

25          A     Yes. Gaynere is, is Rudy's aunt or his

1 first cousin or something like that. I don't  
2 know.

3 Q Okay. You used to live with or go with  
4 Easy's mother?

5 A Easy's mother, yes, sir.

6 Q And Easy introduced you originally to  
7 Reuben Rainey?

8 A Yes, sir.

9 Q Now, Easy was a drug dealer?

10 A Yes, sir.

11 Q Or is a drug dealer?

12 A Is a drug dealer, sir.

13 Q And Reuben Rainey was working for Easy  
14 Cooper?

15 A Yes, sir.

16 Q At one time?

17 A Yes, sir.

18 Q There was some kind of club that Easy  
19 Cooper had an interest in?

20 A Is am -- we had a spot. The spot, that  
21 belonged to Easy, right, but my drugs was -- used  
22 to be in the spot on 153, on 152nd Street.

23 Q And who was the doorman at that spot?

24 A Easy and Rudy used to be security. He's  
25 not the doorman, he's -- he used to be security.

1 If he want he will get somebody else if he will --  
2 he could -- he in charge of the security there so  
3 he could get somebody else to work -- this round  
4 the clock, this twenty-four hours -- he could get  
5 a break and have somebody who could handle it good  
6 as him work the door.

7 Q And Rainey was available?

8 A Yes, sir.

9 Q And you knew Rainey's credentials as a  
10 doorman, a protector, et cetera, did you not?

11 A Yes, sir.

12 Q And you felt that Reuben Rainey, unlike  
13 Rerun, would kill when you said kill?

14 A Yes, sir.

15 Q Now, when you testified back in April,  
16 you lied about this, didn't you?

17 A Excuse me?

18 Q You lied about this?

19 A About what, sir?

20 Q About arranging for Reuben Rainey to  
21 come back to Baltimore to kill when you said kill?

22 A Yes, sir. I said that before.

23 Q Plus -- I know. Because -- I know.

24 Because even with your education and lack of a law  
25 school degree you figured that maybe the law

1 enforcement people wouldn't take too kindly to  
2 your admitting on the stand in front of the jury  
3 that you brought somebody down to kill somebody?

4 A Yes, sir.

5 Q How does that make you look?

6 A It would make me look bad.

7 Q On top of everything, this guy comes  
8 down here and instead of killing when you said,  
9 when you tell him to kill, he goes off in some  
10 rogue manner and kills two people who weren't on  
11 the agenda with your gun, doesn't he?

12 A Yes, sir.

13 Q About how long after you bring him down  
14 here -- Well, let's get back to the lie for a  
15 second. The last time, in order so that the jury  
16 wouldn't know what a killer you are -- you are a  
17 killer, aren't you?

18 A No, sir, I ain't no killer, sir.

19 Q What do you call somebody who tells  
20 somebody to kill?

21 A I don't know what to use for that.

22 Q If I say kill this man and you kill him,  
23 what does that make me?

24 A I don't know what word to use for it,  
25 sir.



1           Q     How about killer or orderer of  
2 killings?   It's what you did.

3           A     Yeah, but I ain't no killer, sir.

4           Q     You don't like to pull the trigger?

5           A     I didn't pull the trigger, sir.

6           Q     I understand, but you don't like to pull  
7 the trigger?

8           A     I believe --

9           Q     You get somebody else to pull the  
10 trigger?

11          A     -- if you going to hurt me and, you  
12 know, I will do what I have to do.

13          Q     I understand that, but if it gets down  
14 to telling somebody to pull the trigger and  
15 pulling the trigger yourself, you would much  
16 rather tell somebody else to pull the trigger?

17          A     Yes, sir.

18          Q     I know that in your mind doesn't make  
19 you a killer but you must at least have sensed  
20 that in some people's minds it might make you a  
21 killer?

22          A     Yes, sir.

23          Q     Mr. Boyce, facts are facts, aren't they?

24          A     Yes, sir.

25          Q     And you didn't want the jury to know

1       that the last time, did you?

2           A       No, sir.

3           Q       Especially with your gun?

4           A       Yes.

5           Q       So instead of Reuben Rainey asking you  
6 whether it is okay to get in the cab with Joanne  
7 Blunt and if it is okay if he accompany Joanne  
8 Blunt down to the railroad station, Pennsylvania  
9 Station, you actually tell Reuben Rainey, look,  
10 you go down with Joanne Blunt on the train, I'll  
11 meet you at Manchester when I get down there with  
12 Nellie Chew?

13          A       Yes, sir.

14          Q       And he goes down on the train?

15          A       Yes, sir.

16          Q       And soon after he gets here, and I know  
17 your memory is dim on this, but someone, either  
18 you or Rerun or Bus Driver, gives your gun to  
19 Reuben Rainey?

20          A       Yes, sir.

21          Q       So he can start his new duties?

22          A       I can't remember if I or Bus Driver give  
23 him the -- one of us give him the gun.

24          Q       Let's say it wasn't you and it was Bus  
25 Driver, Bus Driver certainly wasn't acting against

1       your orders? I mean, you would have wanted Bus  
2       Driver to give him that gun as soon as possible,  
3       right?

4           A       Yes. He was going to get the gun  
5       anyway.

6           Q       Right. So it doesn't really matter who  
7       did it, the gun was yours to give or order to be  
8       given to whoever you wanted?

9           A       Yes, sir.

10          Q       And whether it was you who actually  
11       handed it over or whether you told Bus Driver or  
12       Rerun, by the way, give him the gun, it was at  
13       your direction?

14          A       Yes, sir.

15          Q       And, of course, I can understand why you  
16       lied about that the last time. Right, you did lie  
17       about that?

18          A       Yes, sir, I did lie about that.

19          Q       Now, how soon after Reuben Rainey  
20       arrives in Baltimore are the two women at Navarro  
21       Road killed?

22          A       We, he came down there that, like  
23       Saturday, Saturday, the Monday they was killed.

24          Q       So we are talking a Saturday arrival and  
25       an early Monday morning double homicide?

1           A     Yes, sir.

2           Q     When you got down to Baltimore with  
3     Nellie Chew, was Reuben Rainey waiting for you in  
4     Manchester Avenue?

5           A     No, he was not there, sir.

6           Q     Wasn't there?

7           A     No.

8           Q     Did you arrive with Nellie Chew?

9           A     Yes, sir.

10          Q     Now, in cooking up your story to fool  
11     the police and to try to fool this jury, did you  
12     tell -- Well, let me ask -- strike that.

13                 Did you come directly down to Baltimore  
14     with Nellie Chew or did you stop?

15          A     We stop, me and Nellie stop off in the  
16     Turnpike Motel in New Jersey.

17          Q     When you were cooking up your story, all  
18     the phone calls back and forth, making sure that  
19     the story was believable enough to get past the  
20     police, get past the State's Attorney's Office,  
21     and get past the jury, did you tell Nellie Chew,  
22     listen after you say no, no, I'm not going to  
23     talk, after you go through that charade -- you  
24     know what I mean by charade, play acting?

25          A     Yes, sir.

1           Q     -- be sure to tell them down the line  
2     when you finally talk, be sure to tell them that,  
3     yes, we did stop at a motel on the New Jersey  
4     Turnpike on our way down from New York? Did you  
5     cook that part up with them?

6           A     No, sir.

7           Q     They thought of that all on their own?

8           A     That what happened. I -- me and Nellie  
9     stopped in the Turnpike Motel in New Jersey.

10          Q     You mean it might not be cooked up, it  
11     might just be the truth?

12          A     It is the truth.

13          Q     When you got to Manchester Avenue and  
14     found that -- was Joanne there too?

15          A     No, sir.

16          Q     Rudy wasn't there either?

17          A     Rudy wasn't there and Joanne wasn't  
18     there.

19          Q     Did you tell Joanne, look, Joanne, we  
20     got to make this story sound real good because  
21     there are some smart detectives, there are some  
22     even smarter jurors, Joanne, after you deny  
23     everything, after you hold back all this  
24     information, when you finally come out with your  
25     story and tell it to the jury, I want you to

1       remember that when you testify about coming down  
2       to Baltimore with Reuben Rainey, you tell the jury  
3       that Reuben Rainey and I got to Manchester Avenue  
4       first but then we left and went to Jeanette's  
5       house?

6             A       No, I didn't.

7             Q       Do you know she testified to that?

8             A       Excuse me?

9             Q       Do you know that she testified to that?

10            A       No, sir.

11            Q       Whether you know it or not, you told her  
12       to testify to that, didn't you?

13            A       No, sir.

14            Q       You mean she thought of that all by  
15       herself?

16            A       When I got to Manchester Avenue, me and  
17       Bey, Joanne wasn't there, nor Rudy was there.

18            Q       Eventually they appeared at Manchester  
19       Avenue after you appeared there with Nellie Chew,  
20       right?

21                    Let me restate that. I'm confusing  
22       everybody. You and Nellie Chew arrive at  
23       Manchester?

24            A       Yes, sir.

25            Q       Some time Saturday?

1           A     Yes, sir.

2           Q     After stopping off on the New Jersey  
3 Turnpike?

4           A     Yes.

5           Q     Joanne and Reuben Rainey are not there?

6           A     No, they was not at Denise house.

7           Q     Do they arrive?

8           A     Yes, they came there.

9           Q     About how long after that?

10          A     About half an hour probably.

11          Q     Where is the package that Joanne brought  
12 down from New York?

13          A     She had the package.

14          Q     Did she give it to you?

15          A     Yes, sir.

16          Q     You always take possession of the  
17 package at Manchester Avenue? Usually?

18          A     Yes, sir.

19          Q     After the -- do you know what I mean by  
20 a courier? Have you ever heard the term mule?

21          A     Yeah.

22          Q     Someone who carries the narcotics,  
23 right?

24          A     Yes, sir.

25          Q     Whenever the courier arrives in

1 Baltimore, that courier gives the package to you?

2 A Yes, sir.

3 Q Where did you go from Manchester Avenue?

4 A From Manchester Avenue I went to Oakland

5 Avenue.

6 Q What time -- was this still Saturday

7 night?

8 A Late Saturday night.

9 Q About how late would you say?

10 A About 11:30 or -- 11:30 or earlier.

11 Q Did you stay at Manchester the entire

12 time?

13 A Excuse me?

14 Q Did you remain at Manchester Avenue the

15 entire time before you left for Oakland Avenue?

16 A Yes, sir.

17 Q The purpose of going to Oakland Avenue

18 was to pick up Robin Robinson, right?

19 A Yes, sir.

20 Q Robin Robinson was a lady who you still

21 trusted to keep the drugs?

22 A Yes, sir.

23 Q And to keep your money?

24 A Yes, sir.

25 Q Robin Robinson was a little different



1       than some of your ladies, wasn't she?

2           A       Yes, sir.

3           Q       I mean Robin Robinson worked six days a  
4 week at a job, a regular job?

5           A       Yes, sir.

6           Q       And she had been doing that for years,  
7 right?

8           A       Yes, sir.

9           Q       And unlike your other ladies, she didn't  
10 stick cocaine up her nose every chance she had,  
11 did she?

12          A       No, sir.

13          Q       In fact, if she ever did it at all, it  
14 was very rare?

15          A       Very rare and only like because I'd be  
16 forcing her to get high with me sometime, sometime  
17 because she like to drink or get drunk.

18          Q       Now, you and the Defendant and Joanne  
19 and Bey drive over to Oakland Avenue?

20          A       Yes, sir.

21          Q       And the reason you are going to Oakland  
22 Avenue is what?

23          A       I want Robin, for myself and her to be  
24 together but besides that I wanted to show Rudy  
25 Robin, you know, and ask her any questions, if she

1 had seen Carlos or not.

2 Q You wanted to catch up on the Carlos  
3 situation?

4 A Yes, sir.

5 Q The man you had brought down to kill  
6 when you say kill had to be filled in on the  
7 latest?

8 A Yeah, I wanted him to know what  
9 happened.

10 Q You wanted him to get briefed on his  
11 very first assignment, is that accurate?

12 A Yes, sir.

13 Q And you also wanted your bodyguard to  
14 meet as many of the key people in your  
15 organization as he could as soon as possible?  
16 That's important for your protection, the man who  
17 is protecting you?

18 A Yes, sir.

19 Q Now, when you were phoning up Joanne  
20 back and forth on the telephone and cooking up a  
21 story that eventually she was going to come out  
22 with, did you tell Joanne be sure when you finally  
23 come out with the real story, or the story we  
24 cooked up, be sure to tell them that it was you,  
25 Bey, me and Reuben Rainey who drove over to

1       Oakland Avenue?

2           A       No, sir.

3           Q       You didn't tell her that?

4           A       No, sir.

5           Q       I thought you testified that you wound  
6 up at Greenmount Avenue that night?

7           A       Right. After we left from Robin house,  
8 after I pick Robin up and we left from Robin house  
9 we went to Greenmount Avenue, to Robin, Robin  
10 sister house.

11          Q       Robin lives on Oakland?

12          A       She lives on Oakland.

13          Q       Now, there is a whole lot of people  
14 living at Oakland, aren't there?

15          A       There a bunch of sisters, over eight or  
16 seven individuals.

17          Q       There are some children?

18          A       And some children.

19          Q       House is, is busting at the seams with  
20 people?

21          A       Yes, sir, is a lot of people in the  
22 house.

23          Q       It is Oakland where all these people are  
24 that Robin had the closet in her bedroom from  
25 which the money or were there drugs missing too?

1           A     No.

2           Q     Just money?

3           A     Just money was missing.

4           Q     It is in the Oakland Avenue address that

5     the money is missing from, right?

6           A     Yes, sir.

7           Q     And do you put your package at Oakland

8     Avenue or do you take it with you to Greenmount?

9           A     I took it with me to Greenmount.

10          Q     Ever since Carlos hit that place, have

11     you ever used Oakland Avenue as a stash house

12     again?

13          A     No, sir.

14          Q     And you and Robin are intimate

15     physically, right?

16          A     Yes, sir.

17          Q     And you wanted to be alone with Robin?

18          A     Yes, sir.

19          Q     And is that the reason you went to

20     Robin's sister's house on Greenmount Avenue?

21          A     Yes, sir.

22          Q     Did the whole group, that is, Joanne,

23     Nellie, and Reuben Rainey and yourself go to

24     Oakland Avenue first?

25          A     When we get to Oakland Avenue, Joanne

1 and Bey remain in the car. Me and Rudy went into  
2 Robin's house.

3 Q Does anybody in Robin's house brief you,  
4 bring you up to date on the Carlos situation?

5 A Robin told me that Carlos had moved but  
6 didn't know where he moved to.

7 Q You and Reuben Rainey go up to Oakland,  
8 the Oakland Avenue door?

9 A Excuse me.

10 Q Did Reuben Rainey get out of the car and  
11 go up into Oakland Avenue?

12 A Yes, sir.

13 Q Does Robin come out with you?

14 A Yes, sir.

15 Q Does Robin get in the car with you?

16 A Yes, sir.

17 Q You go directly to Greenmount Avenue or  
18 do you stop somewhere?

19 A We stopped to the 7-11 right on the  
20 corner.

21 Q You stopped at the 7-11?

22 A Yes, sir.

23 Q Let me guess, when you were on the  
24 telephone back and forth, back and forth, back and  
25 forth with Nellie Chew and with Joanne Blunt

1 cooking up this story to blame the wrong person to  
2 take the weight off of you, a story which was  
3 going to fool the police, fool the State's  
4 Attorney's Office, and fool the jury, did you tell  
5 Joanne Blunt, listen, after you deny any knowledge  
6 of this, deny, deny, deny, when you finally come  
7 out with your final version, make sure that you  
8 testify that we stopped at the 7-11? Were you  
9 clever enough to do that --

10 A I --

11 Q -- because that's what happened, sir?

12 A I did not tell Joanne to say nothing  
13 like that, sir.

14 Q You didn't tell her that?

15 A No, sir.

16 Q She thought of that all by herself?

17 A I don't know if she said it that way.  
18 That way it happened. We stopped by that 7-11.

19 Q Might it be the truth?

20 A It's the truth too. I get -- Rudy got  
21 out of the car, I give him, I think it was twenty  
22 dollar bill, he went in the store and got me some  
23 serial, sodas, cigarettes, and milk.

24 Q When you get, when you come out of the  
25 7-11, or I don't know if you went in -- who went

1 in the 7-11?

2 A Rudy went in the 7-11 store.

3 Q When the group of five of you are back  
4 together in the car, you, Reuben Rainey, Joanne,  
5 Nellie Chew and Robin Robinson, where do you go  
6 from there?

7 A We went to Greenmount Avenue.

8 Q Who gets out of the car?

9 A Me and Robin gets out of the car.

10 Q And what happens to the other three?

11 A They left.

12 Q Where do you go?

13 A We went upstairs in Robin's house.

14 Q Now, this house on Greenmount Avenue,  
15 this is Robin's sister's house, is that correct?

16 A Yes, sir.

17 Q Is it vacant, people live in it? What's  
18 the story with that house?

19 A Is a two apartment house. Nobody --  
20 just is Robin sister house. Nobody was there but  
21 both of us.

22 Q Do you know the reason for that?

23 A Not really, sir. I think one of her  
24 sisters -- I think that --

25 Q That's what I'm getting at.

1           A       -- one of her sisters had got murdered  
2       and one of -- sister had got murdered and -- I  
3       think two sisters stay in the house, one of them  
4       got murdered and other one don't like to stay  
5       there. Something like that.

6           Q       In other words, until sometime in the  
7       past it had been lived in but one of the occupants  
8       had gotten murdered, is that what you are saying?

9           A       I don't where the sister had got  
10      murdered at but say one of the sisters that was  
11      close, they was close and stay in the house  
12      together. I don't really know what went down.

13          Q       All right. About what time, I know you  
14      didn't have a watch on, and I know you weren't  
15      taking notes of the time, but what is your guess  
16      about what time Saturday night or Sunday morning  
17      did you arrive at Greenmount Avenue with Robin?

18          A       I arrive it was after 12:30. After  
19      12:00, could be after 12:30.

20          Q       Now, you had mentioned something about a  
21      problem with your nose?

22          A       Yes, sir.

23          Q       Does your nose problem have anything to  
24      do with your stay at Greenmount Avenue?

25          A       Yes, sir.



1 Q Tell us about that?

2 A Well, I have abscess in my nose. I had  
3 an abscess in my nose at the time from sniffing  
4 and I know with Robin I won't sniff as much drugs  
5 because she won't let me sniff too much. She  
6 stop, she try to stop me from sniffing, keep on  
7 sniffing, right.

8 Now, I have the medication. I had to --  
9 if I take the medication for my nostril, for my  
10 nose I would want nobody to go in my money or  
11 nothing like that. I was taking the medication  
12 for two reasons, to stop the pain in my nostrils,  
13 in my nose plus to come down from so high, from  
14 being so high sniffing cocaine.

15 THE COURT: What does the medication do  
16 to you?

17 A It made me drousy.

18 Q Well, I think Mr. Tayback brought out  
19 that when you, when you got back to Manchester and  
20 Joanne shows up fifteen minutes later or so with  
21 the package, I think Mr. Tayback brought out that  
22 you all broke open the package and sort of  
23 celebrated at that time. Gave people hits?

24 A Yeah.

25 Q Took some yourself?

1           A     Yeah.

2           Q     I mean, that is the way it works when  
3 you have a successful run to New York. Everybody  
4 get back and parties or celebrates for a while?

5           A     I usually give them a hit when I come  
6 back, yes.

7           Q     So you had been snorting that afternoon  
8 up --

9           A     I snorting since, since the Friday,  
10 since I pick Nellie up.

11          Q     Now, when is the next time that you saw  
12 anyone other than Robin, who remained in that  
13 house with you? When is the next time that anyone  
14 else came to that house on Greenmount Avenue?

15          A     Monday morning.

16          Q     So we are talking from early Sunday  
17 morning to what time Monday morning?

18          A     About -- it was daylight. Like five  
19 o'clock, probably. It was in the summertime. It  
20 was daylight.

21          Q     This was June 2nd, 1986. We are getting  
22 into the long days of the year and it gets light  
23 early.

24          A     Yes, sir.

25          Q     So sometime soon after it gets light is

1 the next time you see anyone other than Robin  
2 Robinson, is that what you are saying?

3 A I saw Joanne and Bey and Rudy that  
4 morning.

5 Q On Monday morning. So we are talking  
6 that you are with Robin Robinson from early Sunday  
7 morning to sometime around five o'clock or so  
8 Monday morning, a period of some twenty-four plus,  
9 twenty-eight hours maybe? Twenty-six,  
10 twenty-eight hours, whatever it is.

11 For that period of time you are alone  
12 with Robin Robinson and the next person you see is  
13 at five o'clock Monday morning?

14 A Yes, sir.

15 Q Tell us what happens in the early  
16 morning hours of June the 2nd, 1986, while you are  
17 over at Robin Robinson's house?

18 A Me and Robin was in bed. We were asleep  
19 and the doorbell rang.

20 Q Let me interrupt. Do you know, do you  
21 have the slightest idea whether you had been  
22 asleep for fifteen minutes, for an hour, for three  
23 hours, for four hours? Do you have any idea how  
24 long you had been asleep when that doorbell rings?

25 A Five --

1 Q If you know?

2 A Couple of hours probably. I can't

3 remember. I can't remember how long.

4 Q And you say doorbell, is it a doorbell?

5 Is it in fact a doorbell, is it a knocker? What

6 is it?

7 A The door go bzzz, like a boom-boom.

8 Q Whatever you call that, right? Did you

9 hear that?

10 A Yes, sir.

11 Q Did that wake you up?

12 A Yes, sir.

13 Q Did you answer the door?

14 A No, sir.

15 Q Who answered the door?

16 A Robin answered the door.

17 Q Where were you when -- what room were

18 you asleep in?

19 A Ain't but one bedroom.

20 Q What floor is that bedroom on?

21 A One flight -- on the second floor.

22 Q Robin goes and answers the door?

23 A Yes, sir.

24 Q What's the next thing that happens?

25 A Rudy, Bey and Joanne came upstairs.

1 Q Does Robin come in the room with you?

2 A Well, like, I was kind of like half  
3 awake, between -- like, I wasn't fully, fully,  
4 fully, completely awake, right, I cannot remember  
5 if Robin came in the room or not, but I remember  
6 hearing Rudy was saying to Robin that excuse us a  
7 minute, he asked to excuse herself out of the room  
8 a minute.

9 Q Your ears are open, are your eyes open  
10 yet?

11 A I wasn't, like, you know -- my eyes was  
12 not open.

13 Q When your eyes opened, what do you see?

14 A Joanne, Rudy and Bey, three of us was --  
15 four of us was in the room together.

16 Q That includes you?

17 A Yeah.

18 Q What do you see besides the fact of the  
19 three of them are in the room with you?

20 A Rudy had blood on his sneakers.

21 Q What else do you see?

22 A He had blood on his front of his pants.  
23 He had it on his shirt.

24 Q Could you stand up just for a moment,  
25 with the Court's permission? Show the jury the

1 area of his pants that --

2 A Like right here. Had blood all in this  
3 right here.

4 Q Much blood?

5 A Like, it looked like it was a big blood  
6 stain and person had wiped it off, you know, so  
7 you can just see the ring around where the blood  
8 was.

9 Q Incidentally -- you can sit down. Mr.  
10 Boyce --

11 A Yes, sir.

12 Q -- I don't ask this question to be  
13 funny, but do you wear underwear?

14 A Excuse me?

15 Q Do you wear underwear?

16 A Yes, sir.

17 Q Do you have a preference, do you prefer  
18 one kind over another?

19 A I only wear boxer shorts, sir. Boxer,  
20 nylon boxer shorts, that's all I wear, nylon  
21 boxers.

22 Q I want to jump into another scene for  
23 just a moment. Seventeen days after the murders  
24 when the police arrive at 862 West Fayette Street  
25 at 9 o'clock at night with a search and seizure

1 warrant and find you and the other eight --

2 A I can't hear you, sir.

3 Q Sorry. On June the 19th, 1986, --

4 A Yes, sir.

5 Q -- when you are up on the third floor of

6 862 West Fayette Street --

7 A Yes, sir.

8 Q -- and the police come charging in with

9 a search and seizure warrant --

10 A Yes, sir.

11 Q -- and you are arrested --

12 A Yes, sir.

13 Q -- were you wearing anything at the time

14 they came in?

15 A I had on my shorts, that's all.

16 Q Did they take you down to the homicide

17 unit or did they take you down to some place and

18 take a photograph of you at the time?

19 A Yes, sir.

20 Q Is State's Exhibit 31-A a picture of

21 you?

22 A Yes, sir.

23 Q And is that the kind of boxer shorts

24 that you wear?

25 A Yes, sir.

1           Q     You ever wear jockey shorts?

2           A     No, sir.

3           Q     Do you ever wear size large jockey

4 shorts?

5           A     No, sir, I wear smalls.

6           THE COURT: What is your waist size?

7           A     28. It's 28. I'm 28 now. I wear a --

8 when I got arrested I wear 26. When I got

9 arrested I wear small.

10          Q     Bear with me, Your Honor, please. For

11 identification you want to mark the bag or the

12 shorts themselves?

13          THE CLERK: The bag.

14          MR. BRAVE: I think I understand.

15          THE CLERK: That's number 45.

16          (Whereupon, so marked.)

17          Q     Mr. Boyce, it's been testified in this

18 case that when the police came barging into 862

19 West Fayette Street on June the 19th, amongst the

20 people they -- in addition to the people they

21 found there, they recovered some other items.

22 Amongst those items was a size L, I guess that

23 means large, pair of jockey shorts with blood or

24 something that looks like blood in the crotch. Do

25 you ever wear these kinds of shorts?



1           A     No.

2           Q     Jockey shorts?

3           A     No, sir. No.

4           Q     Do you ever wear jockey shorts, ever

5 wear size L?

6           A     I am 26 in the waist, sir.

7           Q     Now, 862 -- like to offer that in

8 evidence.

9           MR. TAYBACK: No objection.

10          THE COURT: Very well.

11          (Whereupon, so marked in evidence.)

12          Q     Now, there's no question that you are in

13 and out of 862 all the time?

14          A     Excuse me?

15          Q     There is little question that you have

16 lots of opportunities to be in and out of 862 West

17 Fayette Street?

18          A     Yeah, I go in there any time I want to.

19          Q     Lots, but you are not the only one that

20 goes in and out of that place?

21          A     No, sir.

22          Q     Reuben Rainey go in and out of 862 West

23 Fayette Street?

24          A     When he came down here after like people

25 know he, he had came down here. I don't think

1       that Bey knew exactly what he had came down here  
2       to do. I know she knew that he was with me and he  
3       had access to go in and out anybody house that I  
4       always -- as long as I did -- he consider me he  
5       will have access to go in and out of the house.

6           Q       In other words, if he was with you, he  
7       would be welcome anywhere you went?

8           A       Yes, sir.

9           Q       In any of your houses?

10          A       Yes, sir.

11          Q       Now, Nellie Chew may not have known that  
12       you came down here to kill Carlos but she  
13       certainly knew as part of your organization that  
14       you had to, you had to have somebody around to  
15       kill when you said kill?

16          A       Yes, sir.

17          Q       And Nellie Chew certainly didn't have to  
18       think too hard about why you had him down here,  
19       for what purpose?

20          A       I wouldn't think so.

21          Q       To protect you, to take your orders?

22          A       Yes, sir.

23          Q       To supplant, to take Rerun's place?

24          A       Yes, sir.

25          Q       Well, where you went did Rainey go a lot

1 of the time as your protector?

2 A Well, when Rudy came down here, onliest  
3 place he went with me is from Denise house to  
4 Oakland Avenue, from Oakland Avenue to Greenmount  
5 Avenue.

6 Q I understand that. But after the  
7 murders, he was around Baltimore?

8 A Yeah, after murders, he, he -- most  
9 places where I be he be.

10 Q I mean, he had access -- do you know  
11 what I mean by access? He could get into, he  
12 could get into 862 any time he wanted?

13 A Yes, sir.

14 Q As a matter of fact, you later learned  
15 that on June the 19th, 1986, all he did was walk  
16 up to the door of 862 and, now as it turns out, he  
17 must have talked to Eddie Cooper and Eddie Cooper  
18 gave him what, a half an eighth?

19 A Half a quarter.

20 Q Half a quarter?

21 A Yeah, like half a quarter is half of an  
22 ounce. I mean, a half quarter is one fourth of an  
23 ounce. Three and a half grams of cocaine.

24 Q Three and a half grams of cocaine?

25 A Yeah, that's a half.

1           Q     All he did was walk inside and two  
2 minutes later he walked outside with three and a  
3 half grams of cocaine?

4           A     Yes, sir.

5           Q     That's how much access he had to that  
6 house?

7           A     Yes, sir.

8           Q     You were -- we left off as you were  
9 describing what Reuben Rainey looked like once  
10 your eyes got open. You just finished describing  
11 the blood in the crotch of his pants.

12          A     Yes, sir.

13          Q     And the blood on his shoes.

14          A     Yes, sir.

15          Q     Well, when you saw that, what was -- who  
16 said what?

17          A     Well, well, they came in the house,  
18 right, Joanne was looking kind of horrified, Bey  
19 was horrified, Rudy was looking all white in the  
20 face and he was sitting on the windowsill, you  
21 know, when I noticed that he -- and, see, I can't  
22 remember if it's Rudy or Bey or Joanne that --  
23 which one spoke first, right, but I think is Rudy,  
24 said he knocked, he just knocked -- yeah, this is  
25 what happened, Rudy said he just knocked off

1 Debbie. So I told him -- I thought he had went to  
2 bed with her.

3 Q Thought he had gone to bed with her?

4 A Yeah.

5 THE COURT: When he said knocked off,  
6 you thought he meant gone to bed?

7 A Had went to bed with her?

8 A So, shoot, I said, what happened. Saw  
9 the blood, what happened. He said just had blown  
10 that bitch head off. Man, I say, what you talking  
11 about. He said he knocked Debbie and Peaches head  
12 off. I said for what. He said that he give  
13 Debbie -- they had chipped in to get some coke,  
14 they were basing over at the, over to Debbie  
15 house, and they chipped in to get some coke,  
16 because before they had left I had given each of  
17 them some money so I knew they had money to, so he  
18 said they chipped in to get some coke and Debbie  
19 went to cop -- I, I don't know if she went out the  
20 house but he said she went to cop and when she  
21 came --

22 Q Excuse me, just a -- not to interrupt  
23 you but to cop what? I think everybody knows --

24 A Cop mean to go get the coke, you know.

25 Q To get?

1           A       To get the coke. Could have the coke --  
2       like, Mr. Tayback could have the coke and you hand  
3       him -- you hand me the money, you say go cop for  
4       me and he right there, I haven't to go no place, I  
5       just have to get it from him right there.

6           Q       This is the Defendant Reuben Rainey  
7       talking to you?

8           A       Yeah.

9           Q       And he is saying she went to cop?

10          A       She went to -- she supposed to cop and  
11       she came back, when they brought the coke, when  
12       she had went get him the coke and cook it, just --  
13       and, you know, New York dime came back.

14          Q       Is that the amount, is that the amount  
15       that usually comes back, just a New York dime?

16          A       Suppose to have 16th and a 16th is  
17       supposed to be a hundred and fifty dollars worth  
18       of cocaine.

19          Q       Without getting lost in arithmetic,  
20       would it be fair to say that less cocaine came  
21       back than he was expecting?

22          A       Yes, much less cocaine back than they  
23       expected.

24          Q       What did the Defendant Reuben Rainey say  
25       happened from that point on?

1           A       He say that he wanted his money back  
2       from her and that argument start over money, and  
3       she kept running off at the mouth, running off at  
4       the mouth and then at one point she was going  
5       upstairs to get him the money and that is when  
6       Maggie started kicking him and telling him don't  
7       let the bitch talk to you like that, and he blow  
8       her head off.

9           Q       Excuse me just a second.

10          Q       This is what he's telling you up on the  
11       third floor?

12          A       Yes, sir. On the second floor in the --

13          Q       I am sorry, second floor. Did you tell  
14       Joanne Blunt and Nellie Chew, look, when you get  
15       on the stand months and months and months, this is  
16       the story I want you to tell because I'm going to  
17       tell the jury when I get on the stand that he came  
18       upstairs and he said I knocked them off, and I  
19       knocked over cocaine and that you cooked it up and  
20       it only came back a New York dime? Did you tell  
21       them that is what you were going to testify to so  
22       they could be sure to, sure to testify to the same  
23       thing here in Court?

24          A       No, sir.

25          Q       That part which you cooked up --

1           A     No, sir.

2           Q     -- in those calls back and forth that

3     Mr. Tayback refers to?

4           A     No, sir.

5           Q     What was your reaction to this, Mr.

6     Boyce?

7           A     Well, I was a little upset. I was upset

8     about it.

9           Q     A little?

10          A     I was upset. No, I was upset about it.

11          Q     Well, did it occur to you that more than

12     a few people knew that Deborah Veney was somehow

13     tied in to you and drugs?

14          A     Excuse me?

15          Q     Did it occur to you that when they

16     discovered the body of Deborah Veney and they

17     found all that paraphernalia, that Reuben Rainey

18     said that they were cooking up the drugs with, and

19     they made some inquiries and found out from

20     somebody that you and Deborah Veney were tied into

21     drugs together?

22          A     She bag drugs for me. She used to bag

23     drugs for me.

24          Q     Yeah, and when they also found out from

25     who knows who that Deborah Veney had scratched you



1       hard a week earlier, did that concern you?

2           A       Yes, sir.

3           Q       Why?

4           A       Because I figured now they find these  
5 materials and them dead, first thing they going to  
6 do is think that I, I had something to do with it  
7 because we had an argument not too long ago.

8           Q       If you have nothing else, if the police  
9 have nothing else but they know that you are tied  
10 in with her on drugs and you had a beef, I bet you  
11 can understand why the police might be suspecting  
12 you?

13          A       Yes, sir.

14          Q       Didn't that bother you?

15          A       Yes, sir.

16          Q       Well, did you tell Reuben Rainey go back  
17 to New York, I don't want to see you again, get  
18 out of here, you are nothing but bad news?

19          A       I tell him to leave because, you know,  
20 what he did was crazy because people know that me  
21 and Debbie had an argument about a week before,  
22 you know, and kill her for nothing.

23          Q       You didn't throw him out of the  
24 organization, did you?

25          A       No, I didn't. I didn't tell him to

1 leave, that -- get out of here, you know, and  
2 don't come back and stuff like that. I just asked  
3 him, you know, will you go, still friends,  
4 associates. I told him to leave in a nice way. I  
5 gave him a couple of dollars so he can leave and  
6 go back to New York.

7 Q What about those poor dead women back  
8 there at Navarro Road, didn't that, didn't that  
9 upset you?

10 A Yeah, it upset me because I would think  
11 -- the first thing I was thinking, like, these  
12 people will think I did these killings.

13 Q I understand that upset you but how  
14 about suppose they didn't even find, didn't even  
15 make the connection between you and Deborah Veney,  
16 what about the fact that someone who you had had a  
17 relationship with just got killed in cold blood by  
18 this man who is going to be tagging along with you  
19 all the time?

20 A I put it in this way.

21 Q Put it right to these people here  
22 because they're listening.

23 A I put it this way, that me and Rudy  
24 being associates for awhile, is that hustling  
25 partner with, with all -- we are with the -- we

1 say family.

2 Q Slow down and say that again because I  
3 didn't understand a word you said. I am sorry.

4 A Like a little family.

5 Q Family?

6 A Yeah.

7 Q What do you mean by family?

8 A Like all of us together, group together  
9 like a family, like her -- you see, I know Rudy  
10 through Easy, through Eddie Cooper. To me Eddie  
11 Cooper like my son.

12 Q I understand but --

13 A All right, so like all of us is --

14 Q There's a connection?

15 A -- are like a family.

16 Q I understand that.

17 A All right.

18 Q But he just killed somebody who is part  
19 of the family. Wasn't she part of the family?

20 A She was a friend, an associates of  
21 mine. She was -- I, I used to mess with her. She  
22 didn't sell no drugs for me. She was no family,  
23 man.

24 Q The fact of the matter, Mr. Boyce, just  
25 like you have difficulty understanding that the

1 man who says kill and doesn't pull the trigger is  
2 just as much of a killer as the person who pulls  
3 the trigger, that kind of thinking, as a matter of  
4 fact, leads you to say, look, the women are dead,  
5 life must go on. That's how much thought you gave  
6 to those two women, isn't it?

7 A Yes, sir.

8 Q Don't let me put words in your mouth if  
9 you have something good to say about your feelings  
10 about this. When I say go, if you have --

11 A I was in.

12 Q -- anything better to say, let the jury  
13 know about it.

14 A I was in sympathy knowing she, she is  
15 dead, right, because she had children and stuff,  
16 right. I was very sorry to know she is dead but  
17 in the same token, like, she was already dead.

18 Q That's right. Real dead.

19 A Yes, she was dead. Nothing I could do  
20 to bring her back, you know. Was no sense in  
21 putting Rudy in trouble.

22 Q As a practical matter you still needed  
23 protection and Rerun wasn't giving you good  
24 protection and at least this guy not only would  
25 kill when you sent him to kill, he would kill even

1 if you didn't say to him to kill, right?

2 A I know that.

3 Q So you had yourself a real protector,  
4 maybe too good?

5 A I know that. He good.

6 Q The truth of the matter is the women are  
7 dead, and at least one of them you know, Deborah  
8 Veney, can't do you any good any more, so you  
9 write her off, isn't that the fact?

10 A Yes, Mr. Sam.

11 Q Women are to be used, aren't they?

12 A Not to be.

13 Q I know they are to be enjoyed but  
14 they're also to be used and if they're dead  
15 they're no use at all. The alive killer is worth  
16 more to you than a dead former lover, that's the  
17 way I see it. How do you see it?

18 A Well, in the street, yes.

19 Q But that's not what we are here for. If  
20 we were here to Judge you and your life style, I  
21 think I know what the jury's verdict would be.  
22 But we are here to decide who killed these two  
23 women.

24 I'm asking you again, did you kill them?

25 A No, sir.

1 Q Did you order them killed?

2 A No, sir.

3 Q Where were you when they were killed?

4 A I was on Greenmount Avenue.

5 Q Now, as a matter of fact, other than

6 giving Rudy, Reuben Rainey, some money and sending

7 him up to New York to get rid of this gun and have

8 him come back with the gun, life just went on,

9 didn't it, just like normal?

10 A When he left he wasn't supposed to come

11 back to Baltimore. He came back to Baltimore a

12 couple of occasions.

13 Q I know that. With the gun?

14 A With the gun.

15 Q Which you were hoping to get him to get

16 rid of in New York?

17 A Yes, sir.

18 Q You could have taken matters in your own

19 hands and said here, give me that gun, I'll show

20 you how to get rid of it, couldn't you have?

21 A Yeah, I could have done that.

22 Q But you know the killing had only been a

23 week or so ago, and life goes on and one tends to

24 forget about things, doesn't one?

25 A I wasn't going to take the gun from him

1       because he came there and told me about he just  
2       killed two people with this gun, no way in the  
3       world that I was going to take this gun to try to  
4       get rid of it because I get busted with that gun  
5       in the street that's my homicide.

6               Q       I understand that, but I'm not  
7       suggesting you should just take this gun and walk  
8       around with it. There are ways to get rid of the  
9       gun so nobody, nobody ever, ever is going to find  
10      it. I mean, you couldn't figure that out?

11             A       I wasn't going to touch the gun, period.

12             Q       Would it be fair to say that in the  
13      weeks that passed life pretty much went on as  
14      usual?

15             A       Yeah.

16             Q       Now, on June the 17th something happened  
17      that really caught your attention, didn't it? I'm  
18      not talking about June 18 but I'm talking about  
19      June 17th, the day before June 18th, you were at  
20      Jeanette Brown's house, weren't you?

21             A       June the 18th or --

22             Q       June 17th?

23             A       June 17th, yeah. June 17th.

24             Q       The day before Bobbie Bird and Easy  
25      Cooper came down to Baltimore --

1           A     Yeah.

2           Q     -- you were at Jeanette Brown's house?

3           A     Yeah.

4           Q     Another one of your women?

5           A     Yes, sir.

6           Q     Another one of the women you used?

7           A     Yes, sir.

8           Q     I mean, I'm not suggesting they mind  
9 being used but by gum you use them until you are  
10 finished with them?

11          A     Yes, sir.

12          Q     And the phone rings at Jeanette Brown's  
13 house on June 17th, 1986?

14          A     Yes, sir.

15          Q     And you knew -- You had talked to  
16 Jeanette Brown between the murders and June 17th,  
17 hadn't you?

18          A     Yes, sir.

19          Q     You knew that Jeanette Brown was the  
20 first one of your group, I'm talking about the  
21 family, the Joanne Blunts, Denise Colemans, the  
22 Reruns, the family as you call them, she was the  
23 first one from the group to arrive at 4711 Navarro  
24 Road after the bodies were discovered?

25          A     Yes, sir.



1           Q     You knew that she had made a call to  
2 Navarro Road that morning and the homicide  
3 detectives answered the phone?

4           A     Yes.

5           Q     And they told her to get down there and  
6 you knew that the police had interviewed Jeanette  
7 Brown the day of the homicide?

8           A     Yes, sir.

9           Q     The same day that you were worried that  
10 the police would figure out some connection  
11 between you and Deborah Veney because of the drugs  
12 and because of the fight you had had, right?

13          A     Yes, sir.

14          Q     And then fifteen days later you are over  
15 at Jeanette Brown's house, right?

16          A     Yes, sir.

17          Q     And the phone rings again and who is on  
18 that phone?

19          A     I answered the phone.

20          Q     I know you did. You answered it?

21          A     Yes, sir.

22          Q     Who was on that phone?

23          A     The police.

24          Q     Who were they asking for?

25          A     For Jeanette Brown.

1           Q     How long did you stay around Jeanette  
2 Brown's house after that phone call came in?

3           A     Approximately about thirty or sixty  
4 seconds.

5           Q     You got out of there as fast as you  
6 could, didn't you?

7           A     Yes, sir.

8           Q     You talked to Jeanette Brown later that  
9 day, didn't you?

10          A     Yes, sir.

11          Q     And did you say, well, were the police  
12 by there? Did you ask her that?

13          A     Yeah, the police was by there. I knew  
14 the police was by there. I did not have to ask  
15 her.

16          Q     Did she tell you who the police were  
17 asking about?

18          A     No, I don't --

19          Q     Let me put it this way, did you know  
20 that the police were asking her about a Lee?

21          A     They was asking about a Lee, yeah. A  
22 Jamican dude called Lee.

23          Q     So let's get this picture straight,  
24 fifteen days, or fifteen days everything pretty  
25 much lays quiet, then one day you are at Jeanette

1 Brown's house who you know the police have talked  
2 to and the police identify themselves and say is  
3 Miss Jeanette Brown there, down goes the phone,  
4 out the door you go. You talked to Jeanette Brown  
5 later that day and find out that the police are  
6 asking about a Jamican by the name of Lee?

7 A Yes, sir.

8 Q How did you greet that news?

9 A I wasn't too happy about it.

10 Q Your worst fears were coming true?

11 A Yes, sir.

12 Q Police were making the connection?

13 A Yes, sir.

14 Q I would guess that you didn't think of  
15 anything else but that for the next few days?

16 A No, I would think about that. That is  
17 when I convinced Rudy to leave because he leave  
18 that same day.

19 Q And comes back the next day?

20 A He left -- let me -- I can't -- no, no.

21 Q I thought you told us he comes back the  
22 same day that Eddie Cooper and Bobbie Robin --

23 A He came back the same day, right, he  
24 only left like through --- I believe that was  
25 Monday, a Monday -- the Monday he left. Tuesday,

1 Tuesday the police called there. Wednesday or was  
2 it -- I can't -- Rudy had left the day before, I  
3 think the day after the police called, the same,  
4 or same day the police called. I think that's  
5 when he left and went back.

6 Q Anyway, you learned from Jeanette Brown  
7 that the police had been out there and they  
8 weren't real polite with Jeanette Brown, were  
9 they?

10 A No.

11 Q They told Jeanette Brown, we know you  
12 are lying, we know you know a Jamican by the name  
13 of Lee. Incidentally, you are not that Jamican,  
14 are you?

15 A No, sir.

16 Q You were born?

17 A St. Croy, U.S. Virgin Island.

18 Q But that is the same area, general area  
19 of the Caribbean in which Jamica, the Island of  
20 Jamica is?

21 A Yes, sir.

22 Q Jeanette Brown told you that the police  
23 didn't believe a word she said when she said she  
24 didn't know a Jamican?

25 A We didn't conversate much about what she

1 told the police.

2 Q She told you what the police told her,  
3 that they were looking for a Jamican by the name  
4 of Lee?

5 A Yes, sir.

6 Q Who did you think they were looking for?

7 A Me.

8 Q The next day you are over at Manchester  
9 Avenue?

10 A Yes, sir.

11 Q Bobbie Bird and Easy Cooper walk in?

12 A Yes, sir.

13 Q What was the reason that Bobbie Bird  
14 came down?

15 A Bobbie Bird, he had, had a package and  
16 they had messed up in the package.

17 Q You are going to have to explain that.

18 A Bobbie Bird, he had a package of heroin,  
19 and --

20 Q Heroin is not your drug --

21 A Huh?

22 Q -- of preference, is it?

23 A No.

24 Q Cocaine is what you deal?

25 A Yeah.

1 Q So he had some heroin?

2 A He had some heroin that have messed up  
3 on him and Easy.

4 Q All right, now, let me see if I got what  
5 you mean by messed up correctly. You tell the  
6 jury, what do you mean by, what do you mean by he  
7 had messed up the package?

8 A Easy and Bobbie go through a lot of  
9 heroin. They sniff a lot of heroin. They had  
10 sniffed half of the package or mostly half of the  
11 package. That's what I mean when I say messed  
12 up. Get a package in New York City, no way they  
13 could have made the money back to pay the people  
14 because Bird had got the package on consignment.

15 Q Heroin costs more in New York -- it  
16 costs more in Baltimore than it costs in New York,  
17 is that correct?

18 A Yeah.

19 Q You can get a higher price in Baltimore?

20 A You can. So what they did, you could  
21 get a higher price for it in Baltimore, so what  
22 they did, they came down here with the package.  
23 They put a cut in it and they could still, they  
24 could take one ounce and make two ounces out of it  
25 and come early and still sell it for double the

1 money they get for it in New York.

2 Q They could get more money for it here  
3 than in New York City?

4 A Yes.

5 Q If they had helped themselves to a  
6 little of that heroin instead of selling it they  
7 could still get enough money back to give to the  
8 New York, the New York supplier --

9 A Yes, sir.

10 Q -- to make the New York supplier happy.  
11 So what was your role going to be in all this?

12 A Well, Bobbie and Easy came down here,  
13 they met me at Denise house, they asked me what  
14 was happening. So later on that evening we went  
15 to Bey's house. I told them to wait awhile, you  
16 know, lay, I would help them knock it off.

17 Q When they explained to you what was  
18 happening, do you mean by that they explained  
19 that, look, we are down here, we hope that you  
20 might do me a favor and sell -- and take this  
21 heroin off my hands --

22 A Yes.

23 Q -- for old times sake?

24 A He says to help him with this package  
25 because they had messed up in New York on the

1 package and stuff. I said, all right, you cut  
2 that, you, you can lay a while until I get some  
3 money together. What I was going to do, I was  
4 going to pay him for the package up front.

5 Q You were going to buy -- how much heroin  
6 are you talking about?

7 A Like, it was like a half an ounce of  
8 heroin.

9 Q Oh, what's that worth in Baltimore  
10 prices?

11 A In Baltimore you get eighteen, twenty  
12 thousand dollars.

13 THE COURT: Eighteen or twenty thousand  
14 dollars?

15 A Yes, sir.

16 THE COURT: How much did they owe the  
17 dealer?

18 A For half ounce in New York for five  
19 thousand dollars.

20 THE COURT: They were short five  
21 thousand?

22 A No, in New York City half an ounce worth  
23 five thousand dollars.

24 THE COURT: How much did you say they  
25 messed up? How much did they owe?



1           A       Five thousand dollars.

2           Q       Now, you tell them as soon as I get some  
3       -- well, don't you have lots of money lying  
4       around? You got money, you got money in lots of  
5       different places that you could put your hands on  
6       quickly?

7           A       Yes, sir.

8           Q       Well, why didn't you just say, okay,  
9       I'll get the money tomorrow and have you on your  
10      way?

11          A       I just didn't want to do it like that,  
12      sir. I just get the money back together so I  
13      could go ahead and get my Rockwood. I had that  
14      money stashed away and I just didn't want to do it  
15      like that.

16          Q       In the meantime were they made welcome  
17      as part of this extended family of yours? In the  
18      meantime, until you got the money together or  
19      decided what you were going to do, did you make  
20      them welcome as part of this extended family of  
21      yours?

22          A       Yes, sir.

23          Q       Now, this is the day after Jeanette  
24      Brown tells you that the police are asking her  
25      about a Jamican by the name of Lee?

1           A     Yes, sir.

2           Q     And they are asking about the homicides  
3     too?

4           A     Yes, sir.

5           Q     Now, you and Bobbie Bird go back a long  
6     way and the same with you and Easy Cooper?

7           A     Yes, sir.

8           Q     Do you share your concern from your  
9     conversations with Jeanette Brown with either  
10    Eddie Cooper or Robert Robinson when they arrive?

11                Do you understand what I'm saying?

12          A     If I had told them about the homicide  
13    when they came here?

14          Q     Exactly.

15          A     Yes, I told them.

16          Q     Tell them, look -- Do you say to them,  
17    look, can't imagine what is going on with your  
18    friend Reuben Rainey?

19          A     I told them what, what the spot Rudy had  
20    put me in.

21          Q     Because they know Reuben Rainey --

22          A     Because they know him, yeah.

23          Q     -- from the old days when Reuben Rainey  
24    used to take orders from them?

25          A     They know him better than I do.

1           Q     And here their former employee has got  
2     you in a situation where the police are calling  
3     Jeanette Brown about a homicide and asking about a  
4     Jamican by the name of Lee where you had had a  
5     beef with the victim?

6           A     Yes, sir.

7           Q     Did you let them know how you felt about  
8     what their friend had done to you?

9           A     Yes, sir.

10          Q     What did you tell them?

11          A     I tell them that Rudy came down here  
12     with me to take care of Carlos, the beef, the  
13     business with Carlos and he went and did some  
14     bullshit over thirty-five dollars and killed  
15     Debbie, California Debbie.

16          Q     And they are down here not more than  
17     twenty-four hours and where are you and Eddie  
18     Cooper and Robert Robinson and Jeanette Brown and  
19     Nellie Chew and Dennis Chew and Dean Chew and  
20     Deborah Lowe and Karen Carrington?

21          A     Karen Godlieb.

22          Q     Karen Godlieb. She also goes by the  
23     other name Carrington. You ever heard that other  
24     name?

25          A     Karen Carrington, yeah.

1           Q     Where are those nine people twenty-four  
2 hours after you just told Bobbie Robinson and  
3 Eddie Cooper what, what their friend, what kind of  
4 a pickle their friend had put you in?

5           A     We was at Nellie house.

6           Q     What happens at Nellie's house, that's  
7 862 West Fayette Street?

8           A     Police raided the house.

9           Q     Why did they raid the house?

10          A     Because Rudy had brought the police  
11 there and he left from Denise house and brought  
12 the police from Denise house to -- this is where  
13 he left, this is where he left -- I don't know if  
14 he left from Denise house but he left, he came to  
15 Bey's house with the police and cop for the  
16 police.

17          Q     In other words, he, Edward Cooper and  
18 Robin Robinson's friend, who you had just hired a  
19 few weeks ago, had led undercover police officers  
20 to Nellie Chew's house and made a buy --

21          A     Yes, sir.

22          Q     -- for those undercover officers?

23          A     Yes, sir.

24          Q     And you are all in jail?

25          A     Yes, sir.

1 Q Under arrest?

2 A Yes, sir.

3 Q Charged with possession with intent to  
4 distribute cocaine?

5 A Yes, sir.

6 Q And swept up in this net are Bobbie  
7 Robinson and Eddie Cooper?

8 A Yes, sir.

9 Q All they came down for is to sell a  
10 little bit of heroin to get the New York supplier  
11 off their back and they get swept up in your  
12 cocaine operation?

13 A Yes, sir.

14 Q Bobbie Robinson is on parole, right?

15 A Yes, sir.

16 Q He's got to report to his parole  
17 officer?

18 A I don't know if he have to report or  
19 not.

20 Q Didn't you know that he was doing six  
21 years to life?

22 A I know he was on parole. I know he was  
23 out but I don't know if he had to report to parole  
24 officer or not. I know he was doing six to life.

25 Q Well, as far as the men that are

1        arrested, Robert Robinson, Edward Cooper, yourself  
2        and Reuben Rainey, you are all arrested within  
3        hours of one another?

4            A        Yeah, six men get arrested.

5            Q        Dean Chew and Dennis Chew?

6            A        Yes.

7            Q        But they're not part of this?

8            A        No, sir.

9            Q        I believe you testified in answer to Mr.  
10        Tayback's questions that all wind up in the same  
11        section together?

12          A        Yes, sir.

13          Q        After you go through receiving?

14          A        Yes, sir.

15          Q        Incidentally, when the police hit, do  
16        you know what happened to -- with -- where -- what  
17        happened -- who had the heroin that Bobbie Bird  
18        had brought down?

19          A        The police never got the heroin.

20          Q        What do you mean?

21          A        The heroin was thrown through the  
22        window.

23          Q        By who?

24          A        I think by Bobbie.

25          Q        Did you see that?

1           A       I did not see it but the heroin was  
2           thrown through the window.

3           Q       Who told you that?

4           A       Over a conversation in the jail we had,  
5           guy said didn't ever get heroin.

6           Q       Who told you that?

7           A       Bobbie said he throw the heroin through  
8           the window.

9           Q       Now, when you were cooking up this story  
10          so that the police would be fooled, the State's  
11          Attorney's Office would be fooled and the jury  
12          would be fooled into believing that the real  
13          killer, that the killer was Reuben Rainey, and  
14          that the -- so that the real killer, you, wouldn't  
15          be charged, did you tell Bobbie Robinson be sure  
16          to remember to testify on the stand that you threw  
17          the heroin out the window because when I get on  
18          the stand I'm going to tell them that you told me  
19          that you threw the heroin out the window?

20          A       No, sir.

21          Q       You didn't cook that up with him?

22          A       No, sir.

23          Q       You mean that might be true too?

24          A       It is true, sir.

25          Q       I bet -- how long did it take you to

1 figure out that the reason the police had raided  
2 862 was because Reuben Rainey led the police to  
3 862?

4 A When we get down to the precinct.

5 Q I bet Bobbie Bird wasn't happy on June  
6 the 20th when he woke up in jail and found himself  
7 unable to make bail on a charge, on a narcotics  
8 charge that was yours? I mean, let's face it,  
9 under the code, that is your charge?

10 A (Indicating affirmatively.)

11 Q Am I right? I mean, it was your  
12 cocaine?

13 A It was my coke, yes.

14 Q Now, there is nothing wrong with trying  
15 to use one of your women and get one of your women  
16 to take the weight like you try to get Nellie  
17 Chew, right?

18 A Yes, sir.

19 Q I mean, that's okay. If they're foolish  
20 enough to do it, that's their problem, right?

21 A Yes, sir.

22 Q There's nothing wrong with trying to  
23 shift the weight to Nellie Chew but the fact  
24 remains that in Bobbie Bird's mind that cocaine  
25 charge was your charge?



1           A     Yes, sir.

2           Q     And in Bobbie Bird's mind after hearing  
3 what you had to say the day before, those murders  
4 were this man's charge?

5           A     Yes, sir.

6           Q     And he was in jail for charges that  
7 weren't his. They didn't even find the heroin  
8 which would have been his charge. That's why I  
9 say I bet he wasn't happy?

10          A     He wasn't happy.

11          Q     Bet Eddie Cooper wasn't happy either?

12          A     No, sir.

13          Q     They were so unhappy that they contacted  
14 the D.A's. Office up in New York and said we got  
15 some information for the Baltimore Police, isn't  
16 that what happened?

17          A     I don't know who they contact but --

18          Q     They were there one day and gone the  
19 next?

20          A     One day they call them on a writ, they  
21 call Eddie Cooper out for a writ and they -- a  
22 couple hours after they call Robert Robinson on a  
23 writ, then the next morning they was gone.

24          Q     What's that mean?

25          A     That, when that happened, I knew that

1       they had called, they had talked to the police or  
2       they talked to somebody and told them about the  
3       murder because in P Section that all Bobbie was  
4       saying, they don't want, they don't want this  
5       drugs, man, they don't want this, they want this  
6       homicide. They want the homicide, you know.

7           Q       That's right. He got his first clew,  
8       didn't he --

9           A       And that all Bobbie kept saying.

10          Q       That's what Bobbie was saying?

11          A       Yeah, that's what he kept saying.

12          Q       Bobbie got his first clew when, after he  
13       was arrested on the narcotics charges, he found  
14       himself within a few hours being interviewed by  
15       homicide detectives about a double homicide which  
16       he had heard about the day before from you?

17          A       Yes, sir.

18          Q       In other words, the day he arrives he  
19       gets a piece of your mind about what his friend  
20       Reuben Rainey, what kind of a pickle he got you  
21       into --

22          A       Yes.

23          Q       -- by killing these two women?

24          A       Yes, sir.

25          Q       Twenty-four hours later he's being

1 interviewed by homicide detectives who are asking  
2 him not about where these drugs come from but  
3 about the same two homicides that you were telling  
4 him about the day before?

5 A Yes, sir.

6 Q Do you think that maybe is the reason  
7 why he said to you, these police aren't interested  
8 in the narcotics, they are interested in the  
9 homicides?

10 A Yes, sir.

11 Q But under the code, even Bobbie Bird and  
12 Easy Cooper were willing to let you try to work  
13 things out so that Nellie Chew could take the  
14 weight?

15 A For the drugs.

16 Q They weren't going to run to the police  
17 immediately and say, hey, wait a minute, fellows,  
18 that homicide you were talking to me about, I know  
19 some information about it?

20 A They told me --

21 Q They were going to let --

22 A I try to tell them Nellie Chew take the  
23 weight.

24 Q And they were willing to bite the bullet  
25 for a few weeks?

1           A       We talked -- they talked that the bail  
2 was going to be reduced on them.

3           Q       You told them that Bey was going to take  
4 the weight?

5           A       Yes.

6           Q       And they sort of believed you or hoped  
7 you were right?

8           A       They was hoping she would take the  
9 weight. Everyone was hoping.

10          Q       And you were hoping?

11          A       Yes, sir.

12          Q       And you set something in motion with  
13 some lawyer to see that she took the weight?

14          A       I hired a lawyer for her, yes.

15          Q       That didn't work out, did it?

16          A       No, sir.

17          Q       And Bobbie and Eddie found out that that  
18 wasn't working out, didn't they?

19          A       They find -- they went to Court for the  
20 preliminary hearing and the Judge made Eddie  
21 Cooper bail a hundred thousand cash.

22          Q       Right.

23          A       Because everybody was a hundred -- only  
24 I was a hundred thousand cash, everybody else I  
25 think it was hundred thousand bail bond but when

1       they make it hundred thousand they raised the bail  
2       on everybody and Eddie get upset and when we came  
3       back to the Baltimore City Jail, himself and  
4       Bobbie start shoo-shoo about hisself and next  
5       thing I knew that they were making calls to New  
6       York, because at one time Bobbie, Bobbie Bird was  
7       talking to the police and I said who you talking  
8       to and he say I'm talking to the police and that  
9       was it.

10           Q       Now, did you and Bobbie Bird and Easy  
11       Cooper and the Defendant before this have an  
12       opportunity while in jail to sit around and talk  
13       about these murders?

14           A       Yes, sir.

15           Q       Was Robert Robinson there when you were  
16       talking about them?

17           A       Yes, sir.

18           Q       About the fact that Joanne Blunt and  
19       Nellie Chew had been there?

20           A       Yes, sir.

21           Q       Did you hear the Defendant tell you  
22       what, tell them or you or anyone where he had  
23       finally taken this gun?

24           A       Where? Yeah, that he had taken it up to  
25       the house on 121st Street.

1 Q Did he say who he sold the gun to?

2 A While me and him, Easy and me are in

3 jail, in jail -- me, Rudy, Bobbie Bird and Easy,

4 while we were there, he mentioned about who he

5 sold the gun to.

6 Q Right. To some guy by the name of

7 Jesus?

8 A By the name of Jesus he says.

9 Q You knew the house, didn't you?

10 A I knew the house. I didn't know, ever

11 know Jesus lived there but I knew the house.

12 Q Did you say that Reuben Rainey who on

13 earth is Jesus?

14 A Excuse me?

15 Q Did you say to Reuben Rainey who on

16 earth is Jesus?

17 A Yes, sir, I said who is Jesus.

18 Q Did he explain who Jesus was?

19 A Jeasus is the old, the coke -- old dude

20 who sell crack in the basement floor but ain't no,

21 nobody sell crack in there.

22 Q You know who is supposed to be Jesus'

23 higher up, Oscar, right? You know Oscar?

24 A I know Oscar, yes.

25 Q But don't know Jesus?

1           A       I don't know Jesus.

2           Q       Not only does Bobbie Bird know from you  
3       that Reuben Rainey is involved in these homicides  
4       but now Bobbie Bird hears from the Defendant the  
5       details about those homicides while you are in  
6       jail with him?

7           A       Because he were making a joke out of it  
8       with everybody in the jail, me and Bobbie and  
9       Easy.

10          Q       Well, I don't know. Tell us about how  
11       he made a joke.

12          A       He was saying that, you know, when  
13       Maggie was kicking him and Maggie tell him to blow  
14       this bitch head off and then after he blew the  
15       bitch head off Peaches was sitting on the couch  
16       with a pipe and torch and he went over to her and  
17       he say sorry baby and she was looking and  
18       gunshots, with her blocking the gunshots with her  
19       hands, trying to block the -- with her hands,  
20       shading her head with the hands and stuff like  
21       that, you know, and laughing crazy, laughing about  
22       it.

23          Q       Bobbie Bird is hearing this?

24          A       Bobbie Bird, Easy was there and was  
25       hearing and I was hearing it. Easy was hearing

1 it.

2 Q Fianlly one day Bobbie Bird is not there  
3 any more?

4 A Yes, sir.

5 Q You don't know who the police talked to  
6 after they talked to Bobbie Bird, do you?

7 A No, sir.

8 Q Did you ever learn that Joanne Blunt had  
9 talked to the police?

10 A Yes, sir.

11 Q When did you learn that?

12 A Before Bobbie and them left, before  
13 Bobbie and them left the jail.

14 Q I don't follow that at all.

15 A Before Bobbie --

16 Q Joanne had talked to the police but I'm  
17 talking about did you learn that Joanne Blunt had  
18 told the truth to the police at some point?

19 A Yes, sir.

20 Q Well, when did you learn that?

21 A Bobbie, all of us was still in jail  
22 then.

23 Q Well, tell me what you are referring to  
24 because I'm not following you at all.

25 A While we was in jail, they had charged



1        Nellie Chew with the homicide.

2            Q        While you are in jail?

3            A        Me, I was in jail, Bobbie was in jail  
4        because I remember Mr., Mr. --

5            Q        Bobbie is gone on the 31st of July?

6            A        Yes, but -- Okay. Well, what I'm  
7        saying, Nellie's lawyer, Mr. --

8            Q        Mr. Smith.

9            A        -- Mr. Smith, he had came to the jail  
10       and he had told me that they had charged Nellie  
11       with the homicide.

12          Q        That's after Bobbie talked, right?

13          A        No, Bobbie was in jail still then,  
14       because Bobbie was in jail still.

15          Q        How soon after that did he get out?

16          A        A couple of days after that he get out.

17          Q        All right. In any event, based on what  
18       Bobbie said, the police now have the names of?

19          A        Of Joanne and Bey.

20          Q        Now, did Joanne, did she ever go by the  
21       name of Joan Jackson?

22          A        Joanne Jackson, yeah.

23          Q        So they had the names of Joan or Joanne  
24       Jackson and Nellie Chew?

25          A        Yes, sir.

1 Q And they talked to both of them?

2 A Yes, sir.

3 Q Nellie Chew wouldn't talk?

4 A Nellie wouldn't talk.

5 Q How do you know that?

6 A Because the homicide detective came get  
7 me from the Baltimore City Jail and took me to the  
8 police station, precinct, Detective Requer show me  
9 the State, the papers where they charge Reuben  
10 Rainey and Nellie Chew for a double --

11 Q They showed you a charging document?

12 A Yeah, showed me some documents where  
13 Reuben Rainey and Nellie Chew for double homicide.

14 Q They said, look, we have charged Reuben  
15 Rainey?

16 A And Nellie Chew for the double homicide.

17 Q And guess who else we have charged,  
18 Nellie Chew?

19 A Yeah.

20 Q Well, what did you do or say?

21 A I said, yo, man, you all can't do that  
22 to that girl, she ain't know nothing about that,  
23 you know, she wasn't -- she ain't kill nobody. I  
24 said is any way possible I could talk to her and  
25 they said she was just -- she left, ain't no way.

1       You could call the jail and see if I could talk to  
2       her and Detective Requer called the jail and the  
3       guard, someone, guard get hold of her and I spoke  
4       to Nellie.

5               I say, yo, you do this mother, I already  
6       in enough hot water, don't be stupid, go ahead and  
7       tell these people what happened.

8           Q       And did you tell the police what  
9       happened?

10          A       I told the police about when we came  
11       from -- when he came to Greenmount Avenue, blow  
12       them away.

13          Q       Told them about that?

14          A       Blood on the shoes and the women killed  
15       that night.

16          Q       Did you tell them about the  
17       conversations you had with him in jail?

18          A       Yes, sir.

19          Q       Did you tell them you would cooperate?

20          A       Excuse me?

21          Q       Did you tell them you would cooperate  
22       with the State?

23          A       I told them I wouldn't care to cooperate  
24       with the State.

25          Q       Well, was there any understanding

1       reached about Nellie, if they -- if Nellie Chew  
2       helped, if they dropped the charge on Nellie Chew?

3           A       They said --

4           Q       How did Nellie -- how did your -- did  
5       your cooperation in any way have any relationship  
6       to Nellie Chew's charges?

7           A       Yes.

8           Q       All right.

9           A       After.

10          Q       I'm not asking the question too clearly  
11       but tell me what, tell me what that is about?

12          A       After I had got Nellie Chew to say what  
13       really happened, right, they had dropped the  
14       charges on Nellie Chew.

15          Q       They dropped the charges?

16          A       I find out later they had dropped the  
17       charges on Nellie Chew.

18          Q       I don't know, maybe the answer is yes,  
19       maybe it is no, you tell me. In exchange for them  
20       dropping the charges against Nellie Chew, did you  
21       agree to do anything?

22          A       I asked Mr. Landsman if do I have to  
23       testify in the case. He said he don't know. I  
24       said is any way that I will have to testify.

25          Q       Eventually, you had an opportunity to

1 talk to the State's Attorney's Office?

2 A Yes, sir.

3 Q And you reached an understanding, an  
4 agreement, is that right?

5 A When I went to talk to the grand jury.

6 Q To tell them about it?

7 A Yes. Yes, I spoke to the grand jury.

8 Q Now, correct me if I'm wrong, because  
9 there has been several agreements in this case  
10 with you. The first agreement when you went to  
11 the grand jury --

12 A Yes, sir.

13 Q -- was that if you testified truthfully  
14 in front of the grand jury and you get on the  
15 stand and testify truthfully --

16 A Yes, sir.

17 Q -- about what you have just told this  
18 jury today, that in your narcotics charges, the  
19 ones that are really your charges --

20 A Yes, sir.

21 Q -- the State would bring your  
22 cooperation to the attention of the sentencing  
23 Judge and it would be this Judge, Judge Arrie  
24 Davis?

25 A Yes, sir.

1           Q       For whatever consideration this Judge  
2       Davis felt that this cooperation was worth, that  
3       was the original plea agreement? That's how it  
4       started out, right?

5           A       They said that they weren't going to  
6       grant me nothing, that I will not any get any  
7       time, nothing like that, you know. It's leave it  
8       up to the Judge.

9           Q       Then I entered the case?

10          A       Yes, sir.

11          Q       We started meeting?

12          A       Yes, sir.

13          Q       And talking?

14          A       Yes, sir.

15          Q       And you would be brought out and you  
16       would talk, we would have a half an hour to talk,  
17       then another day we would talk?

18          A       Yes.

19          Q       And we would have another half hour, an  
20       hour to talk, et cetera?

21          A       Yes, sir.

22          Q       And the agreement sort of changed a  
23       little bit, didn't it?

24          A       Yes, sir.

25          Q       You kept asking me, well, what's going

1 to happen to me, Mr. Brave, what's going to happen  
2 to me. Did the State say if you help I'm going to  
3 try to convince Judge Davis that you get probation  
4 on the narcotics cases?

5 A No, you told me that you would have the  
6 case noll prossed if necessary.

7 Q Well, first I said I was going to try to  
8 get Judge Davis to give you probation?

9 A Probation or if he don't want to give me  
10 probation you would have the case noll prossed.

11 Q If I was unsuccessful?

12 A You would have the case noll prossed.

13 Q I might have to talk to my superiors and  
14 see whether the proper thing to do is to just drop  
15 the charges?

16 A Yes, sir.

17 Q That's before we learned that you  
18 brought this man down here to kill somebody?

19 A Yes, sir.

20 Q And that you gave him a gun to do it?

21 A Yes, sir.

22 Q After we found that out, isn't it a fact  
23 that we said, Mr. Boyce, I'm sorry, but the deal  
24 is off?

25 A Yes, sir.

1           Q     What was your response or your lawyer's  
2     response? Let me tell you. Your response was,  
3     okay, Mr. Brave, the deal may be off but if you  
4     called me to the stand, I'm taking the Fifth  
5     Amendment, isn't that how it went?

6           A     No, sir.

7           Q     It didn't?

8           A     No, sir.

9           Q     I mean, I'm saying that you and I had  
10    this conversation but did you have that  
11    conversation with your lawyer?

12          A     He didn't tell me, he didn't tell me  
13    nothing about take no Fifth Amendment.

14          Q     He didn't tell you that he was going to  
15    tell me that if I didn't offer you a new deal that  
16    you were going to take the Fifth Amendment?

17          A     No, sir, he didn't tell that to me.

18          Q     He didn't tell you that?

19          A     No, sir.

20          Q     Whether he told you or not, he's not  
21    here at the moment, whether he told you or not,  
22    have we --

23          A     He spoke about a Fifth Amendment but  
24    probably I didn't understand what he was saying,  
25    but I heard, he use the word Fifth Amendment.



1       Probably I didn't understand what he said clearly  
2       but he did use the word Fifth Amendment and, you  
3       know, I probably didn't understand what he was  
4       saying. He did use the word Fifth Amendment.

5               Q       Now we have another deal, do we not?

6               A       Yes, sir.

7               Q       And Mr. Tayback went through that with  
8       you. Instead of the State bringing your  
9       cooperation to the attention of the sentencing  
10      Judge for whatever the sentencing Judge thinks  
11      that is worth, that is no longer -- that is out  
12      now, right? Also out is my trying to get the  
13      sentencing Judge to give you probation, right?

14              A       Yes, sir.

15              Q       Now, the deal is you are going to plead  
16      guilty to possession of cocaine --

17              A       Yes, sir.

18              Q       -- with intent to distribute?

19              A       Yes, sir.

20              Q       And the State is to recommend to the  
21      Judge in order to get you to testify here today,  
22      he should not give you more than twelve years for  
23      that cocaine?

24              A       Yes, sir.

25              Q       Any other deals?

1           A     No, sir. Said that, you know, try to  
2     get my case with Mr. Johnson --  
3           Q     Judge Johnson.  
4           A     -- thrown out.  
5           Q     You are on probation to Judge Johnson?  
6           A     Yes, sir.  
7           Q     For a narcotics charge, for a narcotics  
8     conviction and Judge Johnson in this courthouse in  
9     another courtroom on another day, suspended the  
10    sentence and placed you on probation, right?  
11          A     Yes, sir.  
12          Q     The sentence he suspended was four  
13    years, right?  
14          A     Yes, sir.  
15          Q     Now, after you plead guilty before Judge  
16    Davis, Judge Johnson is going to want a crack at  
17    you, right?  
18          A     Yes, sir.  
19          Q     And I have told you I'm going to explain  
20    to Judge Johnson -- you know I have no control  
21    over what he's going to do -- that I feel that the  
22    twelve years are enough and he should run that  
23    four years that he's going to give you, run it  
24    concurrent with the twelve, I told you I would try  
25    to do that?

1           A       Yes.

2           Q       And New Jersey wants a piece of you too,  
3 don't they?

4           A       Yes, sir.

5           Q       Now, you know I don't have any control  
6 over -- I hardly have control over -- I have no  
7 control over New Jersey, do you understand that?

8           A       Yes, sir, I do understand that.

9           Q       But I will mention to them your  
10 cooperation here today for whatever that is worth?

11          A       (Indicating affirmatively.)

12                 MR. BRAVE: I have nothing further.

13                 THE COURT: Counsel, approach the  
14 bench.

15                 (Whereupon, a bench conference was held  
16 which was not made a part of this record,  
17 following which proceedings resumed in open  
18 court.)

19                 THE COURT: Ladies and gentlemen, I  
20 assure you I'm doing all that is within my power  
21 to attempt to move things along but we can expect  
22 that the redirect examination or, rather, the  
23 recross is going to be another hour. So that I'm  
24 going to ask that you come in at 9:30 tomorrow and  
25 we will conclude this.

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This court will stand adjourned until  
9:30 tomorrow morning.

(Whereupon, Court adjourned for the  
day.)

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7 I further certify that the foregoing  
8 pages constitute the official transcript of  
9 proceedings as transcribed by me to the within  
10 typewritten matter in a complete and accurate  
11 manner.

14  
15  
16

Rita M. E. Taggart  
Official Court Reporter